A/67/53/Add.1

United Nations

Report of the Human Rights Council

Twenty-first session
(10–28 September and 5 November 2012)

General Assembly
Official Records
Sixty-seventh session
Supplement No. 53 A

A/67/53/Add.1

General Assembly
Official Records
Sixty-seventh session
Supplement No. 53 A

Report of the Human Rights Council

Twenty-first session
(10–28 September and 5 November 2012)

United Nations • New York, 2012

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in the present publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

*
* *

Contents

Chapter		*Page*
	Checklist of resolutions and decisions	iv
I.	Introduction	1
II.	Resolutions brought to the attention of the General Assembly for its consideration and possible action	2
III.	Resolutions	13
IV.	Decisions	82

Checklist of resolutions and decisions

A. Resolutions

Resolution	*Title*	*Date of adoption*	*Page*
21/1	Situation of human rights in Eritrea	26 September 2012	13
21/2	The human right to safe drinking water and sanitation	27 September 2012	14
21/3	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices	27 September 2012	18
21/4	Enforced or involuntary disappearances	27 September 2012	20
21/5	Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights	27 September 2012	24
21/6	Preventable maternal mortality and morbidity and human rights	27 September 2012	2
21/7	Right to the truth	27 September 2012	26
21/8	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	27 September 2012	30
21/9	Promotion of a democratic and equitable international order	27 September 2012	33
21/10	Human rights and international solidarity	27 September 2012	39
21/11	Guiding principles on extreme poverty and human rights	27 September 2012	4
21/12	Safety of journalists	27 September 2012	43
21/13	Panel discussion on the negative impact of corruption on the enjoyment of human rights	27 September 2012	45
21/14	World Programme for Human Rights Education	27 September 2012	46
21/15	Human rights and transitional justice	27 September 2012	47
21/16	The rights to freedom of peaceful assembly and of association	27 September 2012	53
21/17	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	27 September 2012	55
21/18	Human rights and issues related to terrorist hostage-taking	27 September 2012	57
21/19	Promotion and protection of the human rights of peasants and other people working in rural areas	27 September 2012	57
21/20	High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action	27 September 2012	59

Resolution	*Title*	*Date of adoption*	*Page*
21/21	Enhancement of technical cooperation and capacity-building in the field of human rights	27 September 2012	59
21/22	Technical assistance and capacity-building for Yemen in the field of human rights	27 September 2012	62
21/23	The human rights of older persons	28 September 2012	5
21/24	Human rights and indigenous peoples	28 September 2012	65
21/25	Situation of human rights in the Republic of Mali	28 September 2012	66
21/26	Situation of human rights in the Syrian Arab Republic	28 September 2012	67
21/27	Technical assistance for the Sudan in the field of human rights	28 September 2012	70
21/28	Technical assistance and capacity-building for South Sudan in the field of human rights	28 September 2012	72
21/29	Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	28 September 2012	73
21/30	Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination	28 September 2012	74
21/31	Assistance to Somalia in the field of human rights	28 September 2012	75
21/32	The right to development	28 September 2012	78
21/33	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	28 September 2012	8

B. Decisions

Decision	*Title*	*Date of adoption*	*Page*
21/101	Outcome of the universal periodic review: Bahrain	19 September 2012	82
21/102	Outcome of the universal periodic review: Ecuador	19 September 2012	82
21/103	Outcome of the universal periodic review: Tunisia	19 September 2012	83
21/104	Outcome of the universal periodic review: Morocco	19 September 2012	83
21/105	Outcome of the universal periodic review: Indonesia	19 September 2012	83
21/106	Outcome of the universal periodic review: Finland	19 September 2012	84
21/107	Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland	20 September 2012	84
21/108	Outcome of the universal periodic review: India	20 September 2012	85
21/109	Outcome of the universal periodic review: Brazil	20 September 2012	85
21/110	Outcome of the universal periodic review: Philippines	20 September 2012	86
21/111	Outcome of the universal periodic review: Algeria	20 September 2012	86
21/112	Outcome of the universal periodic review: Poland	20 September 2012	87
21/113	Outcome of the universal periodic review: Netherlands	21 September 2012	87
21/114	Outcome of the universal periodic review: South Africa	21 September 2012	88

I. Introduction

1. The Human Rights Council held its twenty-first session from 10 to 28 September and on 5 November 2012. In accordance with rule 8 (b) of its rules of procedure, as contained in the annex to Council resolution 5/1, the organizational meeting of the twenty-first session was held on 27 August 2012.

2. The report of the Human Rights Council on its twenty-first session will be issued in document A/HRC/21/2.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

21/6
Preventable maternal mortality and morbidity and human rights

The Human Rights Council,

Recalling its resolutions 11/8 of 17 June 2009, 15/17 of 30 September 2010 and 18/2 of 28 September 2011 on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, Commission on the Status of Women resolutions 54/5 of 12 March 2010 and 56/3 of 9 March 2012, the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, and Commission on Population and Development resolution 2012/1 of 27 April 2012,

Taking note of the various processes within the United Nations system to review the implementation of the Programme of Action of the International Conference on Population and Development, to review the realization of the Millennium Development Goals and to prepare for a post-2015 development framework,

Welcomes the organization by the United Nations High Commissioner for Human Rights, in cooperation with other relevant entities of the United Nations system, of an expert workshop and a public consultation in April 2012, with the participation of Governments, regional organizations, relevant United Nations bodies and civil society organizations, and the preparation of concise technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,[1]

Convinced that increased political will and commitment, cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, and that the integration of a human rights-based approach can contribute positively to the common goal of reducing this rate,

1. *Requests* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels, and to redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review processes, including the commitments relating to sexual and reproductive health and reproductive rights, and the Millennium Declaration and the Millennium Development Goals, in particular the goals on improving maternal health and promoting gender equality and empowering women, including through the allocation of

[1] A/HRC/21/22 and Corr.1 and 2.

necessary domestic resources to health systems and the provision of the necessary information and health services addressing the sexual and reproductive health of women and girls;

2. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new ones, and the exchange of effective practices and technical assistance to strengthen national capacities, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

3. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels to address the interlinked root causes of maternal mortality and morbidity, such as poverty, malnutrition, harmful practices, lack of accessible and appropriate health-care services, information and education, and gender inequality, and to pay particular attention to eliminating all forms of violence against women and girls;

4. *Welcomes* the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity, and calls upon all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions, and civil society organizations to disseminate the technical guidance and apply it, as appropriate, when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity;

5. *Calls upon* all relevant United Nation agencies to provide technical cooperation and assistance to States, as requested, to support the implementation of the technical guidance;

6. *Encourages* the Office of the United Nations High Commissioner for Human Rights to bring the technical guidance to the attention of the Secretary-General and all United Nations entities with mandates relevant to maternal mortality and morbidity and human rights, and to continue dialogue on the issue of preventable maternal mortality and morbidity with all relevant actors in order to accelerate the realization of the rights of women and girls and the achievement of Millennium Development Goal 5 by 2015;

7. *Requests* the Office of the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies, in particular the World Health Organization, the United Nations Population Fund, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and all other relevant stakeholders a report on how the technical guidance has been applied by States and other relevant actors, to be presented to the Human Rights Council at its twenty-seventh session;

8. *Requests* the Secretary-General to transmit the technical guidance to the General Assembly as a contribution to the review of the realization of the Millennium Development Goals and the implementation of the Programme of Action of the International Conference on Population and Development, including at its special event in 2013 to follow up on efforts made towards achieving the Millennium Development Goals and its special session on the theme "The ICPD beyond 2014";

9. *Decides* to continue to consider the issue under the same agenda item.

36th meeting
27 September 2012

[Adopted without a vote.]

21/11
Guiding principles on extreme poverty and human rights

The Human Rights Council,

Recalling all relevant resolutions on extreme poverty and human rights adopted by the General Assembly, including resolution 65/214 of 21 December 2010,

Recalling also all previous resolutions adopted by the Subcommission on the Promotion and Protection of Human Rights, including its resolution 2006/9 of 24 August 2006, in which the Subcommission welcomed and approved the draft guiding principles prepared by the ad hoc group of experts, and requested the Human Rights Council to study them with the view to adopting them and forwarding them to the General Assembly,

Recalling further all relevant Human Rights Council resolutions, including resolution 15/19 of 30 September 2010, in which the Council invited the independent expert on the question of human rights and extreme poverty to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption, by 2012, of guiding principles on the rights of persons living in extreme poverty, and resolution 17/13 of 17 June 2011, in which the Council decided to extend the mandate of the mandate holder as a special rapporteur,

Welcoming the submission of views and contributions of Member States and other relevant stakeholders on the draft guiding principles, including in accordance with Human Rights Council resolution 12/19 of 2 October 2009 and 15/19, as well as the holding of different rounds of consultations on this matter between 2001 and 2012, the latest being the two-day consultation organized by the Office of the United Nations High Commissioner for Human Rights on 22 and 23 June 2011,

Expressing its appreciation to the Special Rapporteur on extreme poverty and human rights for finalizing the draft guiding principles by integrating the views and contributions of Member States and other relevant stakeholders,

Reaffirming the commitments made at relevant United Nations conferences and summits, including those made at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the summit on the Millennium Development Goals, held in New York from 20 to 22 September 2010,

Deeply concerned that extreme poverty and social exclusion persist in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

Acknowledging the need to continue national and international efforts, including through international cooperation to eradicate extreme poverty, in particular in the framework of the post-2015 development agenda, and taking note in this regard of the contribution of the United Nations Conference on Sustainable Development (Rio+20) and of its outcome document "The future we want",[2]

[2] General Assembly resolution 66/288.

Stressing that respect for all human rights, including the right to development, is important for all policies and programmes that specifically address the situation of people living in extreme poverty,

1. *Takes note with appreciation* of the report of the Special Rapporteur on extreme poverty and human rights on the guiding principles on extreme poverty and human rights,[3] and welcomes the work of the Special Rapporteur;

2. *Adopts* the guiding principles on extreme poverty and human rights as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate;

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations and non-State actors, including the private sector, to consider the guiding principles in the formulation and implementation of their policies and measures concerning persons affected by extreme poverty;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles, as appropriate;

5. *Decides* to transmit the guiding principles on extreme poverty and human rights to the General Assembly for its consideration.

36th meeting
27 September 2012

[Adopted without a vote.]

21/24
Human rights and indigenous peoples

The Human Rights Council,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Bearing in mind that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

Recalling the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 on 13 September 2007,

Welcoming General Assembly resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council, the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and urging States to contribute to the Fund,

[3] A/HRC/21/39.

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting their histories, languages, oral traditions, philosophies, writing systems and literatures to future generations, and designating and retaining their own names for communities, places and persons,

Taking note of the study by the Expert Mechanism on the Rights of Indigenous Peoples on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, according to which cultural and language rights are indivisible and central to all the other rights,[4]

Recognizing the need to find ways and means of promoting the participation of recognized indigenous peoples' representatives within the United Nations system on issues affecting them, as they are not always organized as non-governmental organizations,

Welcoming the completion by the Expert Mechanism of its follow-up study on the right to participate in decision-making, with a focus on extractive industries,[5] and encouraging all parties to consider the examples of good practices and recommendations included in the report as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[6] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples and the official visits he has made in the past year, takes note with appreciation of his report,[7] and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-eighth session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its fifth session,[8] and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. *Calls upon* States to consider, in consultation and cooperation with indigenous peoples, initiating and strengthening, as appropriate, effective legislative and policy measures to protect, promote, respect and, where necessary, revitalize indigenous peoples' languages and culture, taking into account, as appropriate, the study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples;[9]

---

[4] A/HRC/21/53, para. 8.
[5] A/HRC/EMRIP/2012/2.
[6] A/HRC/21/23.
[7] A/HRC/21/47 and Add.1–3.
[8] A/HRC/21/52.
[9] A/HRC/21/53.

6. *Stresses* the need to pay particular attention to the rights and special needs of indigenous women and girls, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting indigenous peoples languages and culture;

7. *Requests* the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of indigenous peoples, and to present it to the Human Rights Council at its twenty-fourth session;

8. *Also requests* the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, a questionnaire survey to seek the views of States and of indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the Human Rights Council at its twenty-fourth session, and encourages those States which have not yet provided their responses to do so;

9. *Welcomes* the adoption by the General Assembly of its resolution 65/198 and resolution 66/296 of 17 September 2012, on the organization of the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held 22 and 23 September 2014, and takes note of its inclusive preparatory process, including the preparatory meeting to be held in Guatemala on 21 December 2012 and, in this regard:

(a) Encourages States, in accordance with the provisions contained in General Assembly resolution 66/296, to continue to promote the participation of indigenous peoples during the preparatory process of the World Conference and to support it, in particular by means of technical and financial contributions;

(b) Recommends that the studies and advice of the Expert Mechanism be considered in the formulation of the agendas of the preparatory process;

10. *Notes with appreciation* the report of the Secretary-General on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them,[10] and invites the General Assembly to consider and include in its agenda the issue based on the possible steps elaborated in the report and taking into account practical ways to enable indigenous peoples' representatives to participate, existing procedural rules regulating such participation, and issues for consideration and conclusions contained in the report;

11. *Decides* to hold, from within existing resources, at its twenty-fourth session, a half-day panel discussion on the World Conference on Indigenous Peoples;

12. *Welcomes* the ongoing cooperation and coordination among the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner, and welcomes, in this regard, their permanent effort to promote the United Nations Declaration on the Rights of Indigenous Peoples;

13. *Reaffirms* that the universal periodic review, together with United Nations treaty bodies, are important mechanisms for the promotion and protection of human rights, and, in that regard, encourages effective follow-up on accepted universal periodic review

[10] A/HRC/21/24.

recommendations concerning indigenous peoples, as well as serious consideration to follow up on treaty body recommendations on the matter;

14. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so, to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support of States for that Declaration;

15. *Welcomes* the fifth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States that have endorsed it to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

16. *Also welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to play that role effectively, including with the support of the Office of the High Commissioner;

17. *Encourages* relevant United Nations mechanisms, indigenous peoples and States to increase their attention to the human rights of indigenous persons with disabilities;

18. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

38th meeting
28 September 2012

[Adopted without a vote.]

21/33
From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also General Assembly resolution 57/195 of 18 December 2002, in which the Assembly assigned responsibilities to the relevant United Nations institutions to ensure the effective implementation of the Durban Declaration and Programme of Action at the international level,

Recalling further Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, and Human Rights Council resolution 18/28 of 30 September 2011,

Recalling the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, adopted on 22 September 2011,[11] which reaffirmed the political commitment to the full and effective implementation of the Durban Declaration and

[11] General Assembly resolution 66/3.

Programme of Action and the outcome document of the Durban Review Conference, and their follow-up processes at the national, regional and international levels,

Recalling also General Assembly resolution 66/144 of 19 December 2011, in which the Assembly encouraged the Working Group of Experts on People of African Descent to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 the Decade for People of African Descent,

Taking note of the Global African Diaspora Summit, held in Sandton, Johannesburg, on 25 May 2012, and the outcome adopted at its conclusion,

Stressing the importance of a consistent global effort to inform the public about the contribution that the Durban Declaration and Programme of Action has made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

Expressing concern that the current economic and financial crisis and its consequences on poverty and unemployment may have further contributed to the rise of extremist political parties, movements and groups and exacerbated identity-related issues, and that in this period of economic crisis, non-citizens, members of minorities, migrants, refugees and asylum seekers are still the main scapegoat of extremist political parties that have a xenophobic and racist agenda and that sometimes incite racial discrimination and violence against them,

Underlining the importance of eliminating discriminatory practices and laws that hamper some specific groups of individuals from fully participating in the public and political life of the countries they live in, including legal and practical obstacles such as discriminatory regulations regarding voter registration, the lack of identification documents, administrative and financial barriers, and discrimination in access to citizenship,

Concerned at the use of the Internet and social media by extremist groups and individuals to disseminate racist ideas and propagate racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the Internet and social media can also be a useful tool for preventing the spread of racist ideologies by extremist political parties, groups and movements, as well as its potential to contribute to development as an international and equal forum, aware that there are disparities in the use of and access thereto,

Deploring the misuse of print, audiovisual and electronic media, including the Internet, and any other means that constitute incitement to acts of national, racial or religious violence, discrimination and hatred, which have targeted and severely affected racial and religious communities and persons belonging to national or ethnic, religious and linguistic minorities, emanating from a variety of sources,

Deeply concerned that despite the immense potential of sport in promoting tolerance, racism in sport is still a serious problem,

1. *Welcomes* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action, and the outcome document of the Durban Review Conference, including by increasing efforts to complement the work of other Durban follow-up

mechanisms with a view to achieving better coordination and synergy with other human rights mechanisms, thereby avoiding duplication of initiatives;

2. *Takes note* of the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;[12]

3. *Decides* that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action should convene its eleventh session from 7 to 18 October 2013;

4. *Recalls* that preventing and combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States and, in this regard, recommends that States:

(a) Consider developing and implementing national plans of action to combat racism and racial discrimination, and to promote equality, equity, social justice, equality of opportunity, respect for diversity and the participation of all; these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination;

(b) Consider linking their development programmes and priorities for the improvement of the socioeconomic conditions of individuals and groups experiencing racial discrimination, social exclusion and marginalization, and that these linkages should be reflected in, inter alia, States' reports for the universal periodic review mechanism of the Human Rights Council;

(c) Invest in education as a tool for transforming attitudes and eliminating ideas of racial hierarchies and superiority;

(d) Consider collecting ethnically disaggregated data with a view to setting up concrete targets and designing appropriate and effective anti-discrimination legislation, policies and programmes aimed at promoting equality and preventing and eliminating racism, racial discrimination, xenophobia and related intolerance; any such information should, as appropriate, be collected with the explicit consent of individuals, based on their self-determination and in accordance with provisions on human rights and fundamental freedoms, as well as data protection regulations and privacy guarantees; this information must not be misused;

(e) Consider adopting effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, take measures so that motivations are considered an aggravating factor for the purpose of sentencing, prevent these crimes from going unpunished and ensure the rule of law;

5. *Emphasizes* the importance of ensuring equality for all in the enjoyment of civil, cultural, economic, social and political rights, including the rights of persons belonging to national or ethnic, religious and linguistic minorities, without any discrimination based on race, colour, descent, national or ethnic origin as one effective way through which States may prevent and address the rise of tension and conflict;

6. *Underlines* in the above context that all citizens have the right to participate freely in the electoral processes in their countries, including the right to vote, consistent with article 25 of the International Covenant on Civil and Political Rights, particularly since

[12] A/HRC/19/77.

any restriction inconsistent with that article is incompatible with democracy, the rule of law and transparent and accountable electoral processes;

7. *Welcomes* the setting up of projects at the national level by civil society groups, including with the financial support of public authorities, including the creation of a social network-based platform targeting young people and aiming specifically at countering right-wing extremism and fostering a democratic culture;

8. *Encourages* States to use the opportunities provided by new technologies, including the Internet, to counter the dissemination of ideas based on racial superiority or hatred;

9. *Calls on* States to strengthen measures to prevent racist and xenophobic incidents in major sporting events, including by individuals or groups of individuals linked to extremist movements and groups;

10. *Urges* States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

11. *Welcomes and acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against Africans and people of African descent and, in that regard, takes note of the report of the Working Group,[13] and welcomes the draft Programme of Action for the Decade for People of African Descent contained in an addendum thereto,[14] including the theme "People of African descent: recognition, justice and development", pursuant to General Assembly resolution 66/144;

12. *Decides* to transmit the draft Programme of Action for the Decade for People of African Descent to the General Assembly for its consideration, with a view to its adoption, within the context of the International Decade for People of African Descent;

13. *Deplores* the special form of discrimination faced by people of African descent known as "Afrophobia";

14. *Calls for* renewed efforts to mobilize political will for the full and effective implementation of the Durban Declaration and Programme of Action in the struggle against racism, racial discrimination, xenophobia and related intolerance;

15. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to fully implement paragraphs 53 and 57 of General Assembly resolution 65/240 of 24 December 2010 with respect to the establishment of an outreach programme and for the follow-up to the commemoration of the ten-year anniversary of the adoption of the Durban Declaration and Programme of Action;

16. *Calls* on the international community, the Office of the High Commissioner and the Department of Public Information to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination, including through posting all relevant documents on their websites;

---

[13] A/HRC/21/60.

[14] A/HRC/21/60/Add.2.

17. *Encourages* the High Commissioner to initiate consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination;

18. *Invites* Member States, the United Nations system and all relevant stakeholders, including non-governmental organizations, to intensify their efforts for building support for the Durban Declaration and Programme of Action in the follow-up to the commemoration of the tenth anniversary thereof;

19. *Decides* to remain seized of this important issue.

39th meeting
28 September 2012

[Adopted by a recorded vote of 37 to 1, with 9 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain]

III. Resolutions

21/1
Situation of human rights in Eritrea

The Human Rights Council,

Having considered the material relating to the situation of human rights in Eritrea, brought under the complaint procedure established in accordance with the annex to Human Rights Council resolution 5/1 of 18 June 2007, alleging widespread and systematic human rights violations in Eritrea, in particular regarding cases of arbitrary arrest and detention, torture, summary executions, violence against women, forced labour, forced conscription and restrictions on the liberty of movement and the rights to freedom of expression, peaceful assembly and of thought, conscience and religion,

Noting the efforts of the Government of Eritrea to cooperate with the Human Rights Council,

Regretting the inadequate and incomplete information provided in written form and orally during the closed meeting, held on 17 September 2012, by the representative of the Government of Eritrea concerning the questions raised in the communications,

Considering that the allegations made in the submitted complaints are a cause for grave concern to the extent that they may reveal a consistent pattern of gross and reliably attested violations of human rights,

Welcoming the establishment of the mandate of Special Rapporteur on the situation of human rights in Eritrea by the Human Rights Council in its resolution 20/20 of 6 July 2012,

1. *Decides*, in accordance with paragraph 109 (d) of the annex to Human Rights Council resolution 5/1, to discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same in the context of the implementation of Council resolution 20/20;

2. *Also decides* that the documentation considered by the Human Rights Council under its complaint procedure relating to the situation of human rights in Eritrea should no longer be considered confidential, with the exception of the names or any other identifying information of specific individuals who have not consented, and should therefore be transmitted to the Special Rapporteur on the situation of human rights in Eritrea;

3. *Invites* the Special Rapporteur on the situation of human rights in Eritrea to investigate further the allegations contained in the submitted complaints and the circumstances of the individuals mentioned in the submitted communications whose names may be disclosed consistent with provisions of paragraph 2 above, and to report thereon to the Human Rights Council at its twenty-third session and in accordance with its programme of work;

4. *Urges* the Government of Eritrea to cooperate fully with the Special Rapporteur, in particular to permit access to visit all parts of the country and to provide the information necessary for the fulfilment of the mandate, as reflected in Human Rights Council resolution 20/20;

5. *Requests* the Secretary-General to communicate the present resolution to the Government of Eritrea;

6. *Decides* to make public the present resolution;

7. *Also decides* to remain seized of the matter under agenda item 4.

35th (closed) meeting
26 September2012

[Adopted without a vote.]

21/2
The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011 and 18/1 of 28 September 2011,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights,

Recalling also the holding of the General Assembly plenary meeting of 27 July 2011 entitled "The human right to water and sanitation",

Recalling further the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling Human Rights Council resolution 19/5 of 22 March 2012 on the question of the realization in all countries of economic, social and cultural rights,

Recalling also the relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in June 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, "Water for Life" (2005–2015), 65/153 of 20 December 2010, establishing the follow-up to the International Year of Sanitation, 65/ 154 of 20 December 2010, establishing 2013 as the International Year of Water Cooperation, and the outcome document entitled "The future we want", adopted at the United Nations Conference on Sustainable Development in Rio de Janeiro on 22 June 2012 and by the Assembly in its resolution 66/288 of 27 July 2012,

Noting with interest relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit, in 2007, the Delhi Declaration, adopted at the third South Asian

Conference on Sanitation, in 2008, the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009, and the Colombo Declaration, adopted at the fourth South Asian Conference on Sanitation, in 2011,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing in that context the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation") and the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled "Keeping the promise: united to achieve the Millennium Development Goals",

Recalling World Health Assembly resolution 64/24 of May 2011, in which the Assembly urged Member States to, inter alia, "ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation that entitles everyone, without discrimination, to water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable for personal and domestic uses",

Recalling in particular paragraph 5 (f) of Human Rights Council resolution 16/2, in which the Council encouraged the Special Rapporteur on the human right to safe drinking water and sanitation, in fulfilling her mandate, to make recommendations for goals beyond the 2015 Millennium Development Goals process with special regard to the full realization of the human right to safe drinking water and sanitation, and also to continue to make more recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7, as appropriate,

Deeply concerned that approximately 780 million people still lack access to improved water sources and that more than 2.5 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children's Fund in their 2012 Joint Monitoring Programme report, concerned that these figures do not fully capture the water safety aspect and equity, equality and non-discrimination issues as indicated by that report, and therefore underestimate the numbers of those without access to safe drinking water and sanitation, and alarmed that, every year, approximately 1.5 million children under five years of age die and 443 million school days are lost as a result of water- and sanitation-related diseases,

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the reaffirmation by the latter that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

2. *Also welcomes* the commitments of States regarding the human right to safe drinking water and sanitation made at the United Nations Conference on Sustainable Development on 22 June 2012;

3. *Further welcomes* the fact that, according to the 2012 Joint Monitoring Programme report, the Millennium Development Goal target relating to the reduction by 50 per cent of people without access to an improved water source has been met five years before its deadline of 2015, insists that much remains to be done on safety, equity, equality and non-discrimination issues, and regrets the fact that the Millennium Development Goal target on sanitation is still one of the most off-track of the United Nations development agenda beyond 2015;

4. *Welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and compilation of good practices, and the undertaking of country missions;

5. *Also welcomes* the second annual report of the Special Rapporteur submitted to the General Assembly on financing for the realization of the right to water and sanitation,[15] and takes note with appreciation of her recommendations and clarifications with regard to questions of financing the implementation of the human right to safe drinking water and sanitation;

6. *Takes note* of the fourth annual report of the Special Rapporteur submitted to the Human Rights Council;[16]

7. *Expresses deep concern* at the negative impact of discrimination, marginalization and stigmatization on the full enjoyment of the human right to safe drinking water and sanitation;

8. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

9. *Takes note* of the finding made by the Special Rapporteur that ensuring safe drinking water and sanitation for all will require considerably more resources;

10. *Also takes note* of the finding made by the Special Rapporteur that better targeted use of existing resources to prioritize the most excluded and marginalized, as well as more transparent budgets and better coordination, will help to realize fully the human right to safe drinking water and sanitation;

11. *Calls upon* States:

(a) To prioritize in an appropriate way funding for safe drinking water and sanitation, with a particular focus on extending access to the unserved or underserved, including measures to identify the most marginalized, excluded and disadvantaged persons in terms of access to safe drinking water and sanitation, to develop the capacity of decision makers and practitioners for implementing strategies and concepts specifically focusing on the sustainable provision of safe drinking water and sanitation to the unserved poor, and to develop specific initiatives that are more likely to reach the most marginalized and disadvantaged and improve their situation;

[15] A/66/255.
[16] A/HRC/21/42.

(b) To consider increasing the percentage of international aid allocated to safe drinking water and sanitation, and to incorporate a human rights-based approach;

(c) To monitor the affordability of safe drinking water and sanitation in order to determine whether specific measures are needed to ensure that household contributions are and remain affordable by means of, inter alia, effective regulation and oversight of all service providers;

(d) To promote transparency of budgets and other funding, as well as of programmes and projects of all actors in the water and sanitation sector, in order to ensure an adequate basis for planning with regard to the most vulnerable and marginalized sectors of society and in order to inform decision-making and policymaking processes in both public and private sectors;

(e) To consult with communities on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(f) To ensure the sustainability of access to water and sanitation by, inter alia, capacity-building of Government authorities at all levels with regard to their responsibilities in the service delivery chain, adequate budgeting of costs, including costs of maintenance, and establishing an adequate and effective regulatory system;

12. *Invites* States to continue to promote, at all levels, including at the highest level, the full realization of the human right to safe drinking water and sanitation in forthcoming national, regional and international initiatives;

13. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system and international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the right to safe drinking water and sanitation;

14. *Encourages* the Special Rapporteur to continue to make contributions to the discussions on the United Nations development agenda beyond 2015, in particular on the integration of the human right to safe drinking water and sanitation and, in this regard, calls upon States to build the post-2015 framework on the values outlined in the Millennium Declaration around the fundamental principles of respect for human rights, equality and sustainability, and to integrate the human right to safe drinking water and sanitation into the international development agenda beyond 2015;

15. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

16. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

17. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human right to safe drinking water and sanitation;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of her mandate;

19. *Decides to continue* its consideration of this matter under the same agenda item and in accordance with its programme of work.

36th meeting
27 September 2012

[Adopted without a vote.]

21/3
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices

The Human Rights Council,

Guided by the purposes and principles set forth in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reiterating the call of the Universal Declaration of Human Rights to promote respect for human rights and fundamental freedoms by teaching and education, and to secure their universal and effective recognition and observance by progressive measures, national and international,

Guided by the Vienna Declaration and Programme of Action, which reaffirms, inter alia, the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law, and that the universal nature of these rights and freedoms is beyond question,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Reaffirming that all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards,

Stressing that traditions shall not be invoked to justify practices contrary to human dignity and violating international human rights law,

Recalling its previous resolutions on the issue, in particular resolutions 12/21 of 2 October 2009 and 16/3 of 24 March 2011,

Noting the ongoing work of the Advisory Committee, in accordance with Human Rights Council resolution 16/3, on the preparation of a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights,

1. *Reaffirms* that a better understanding and appreciation of traditional values shared by all humanity and embodied in universal human rights instruments contribute to promoting and protecting human rights and fundamental freedoms worldwide;

2. *Recalls* the important role of family, community, society and educational institutions in upholding and transmitting these values, which contributes to promoting respect for human rights and increasing their acceptance at the grass roots, and calls upon all States to strengthen this role through appropriate positive measures;

3. *Stresses* that human rights derive from the dignity and worth inherent in the human person;

4. *Notes* that traditional values, especially those shared by all humanity, can be practically applied in the promotion and protection of human rights and upholding human dignity, in particular in the process of human rights education;

5. *Takes note* of recommendation 9/4 of the Advisory Committee[17] on the progress of work on a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights, and decides to accord it additional time to finalize the study;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to collect information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity, and to submit a summary thereon to the Human Rights Council before its twenty-fourth session;

7. *Decides* to remain seized of the matter.

36th meeting
27 September 2012

[Adopted by a recorded vote of 25 to 15, with 7 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda

Against:

Austria, Belgium, Botswana, Costa Rica, Czech Republic, Hungary, Italy, Mauritius, Mexico, Norway, Poland, Romania, Spain, Switzerland, United States of America

Abstaining:

Benin, Chile, Guatemala, Nigeria, Peru, Republic of Moldova, Uruguay]

[17] See A/HRC/AC/9/6.

21/4
Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolution 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 on 20 December 2006,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States,

Recalling also General Assembly resolution 60/147 of 16 December 2005, by which the Assembly adopted the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling further that no one shall be held in secret detention,

Recognizing that enforced disappearance has special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany a disappearance and, when they are subjected to disappearance themselves, they may become particularly vulnerable to sexual and other forms of violence,

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity, as defined by the Rome Statute of the International Criminal Court,

I. International Convention on the Protection of All Persons from Enforced Disappearance

1. *Recognizes* that the implementation of the International Convention on the Protection of All Persons from Enforced Disappearance will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all;

2. *Welcomes* the entry into force of the Convention on 23 December 2010, as well as the work achieved by the Committee on Enforced Disappearances during its two first sessions, and encourages all States parties to the Convention to support and promote the Committee's work and to implement its recommendations;

3. *Calls upon* all States that have not yet signed, ratified or acceded to the Convention to consider doing so as a matter of priority, and to also consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence;

II. Declaration on the Protection of All Persons from Enforced Disappearance

5. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

6. *Notes* that 2012 marks the twentieth anniversary of the adoption by the General Assembly of the Declaration;

7. *Urges* all States to promote and to give full effect to the Declaration;

8. *Encourages* all States to translate the Declaration into their languages in order to assist its global dissemination and the ultimate goal of preventing enforced disappearances;

III. Working Group on Enforced or Involuntary Disappearances

9. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances[18] and of the recommendations contained therein;

10. *Stresses the importance* of the work of the Working Group, and encourages it to pursue the fulfilment of its mandate as set out in Human Rights Council resolution 16/16;

11. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, within the framework of their respective mandates;

12. *Takes note with interest* of all the general comments of the Working Group, including the most recent one on the right to recognition as a person before the law in the context of enforced disappearances, which are aimed at helping States to apply the Declaration in a way that is most conducive to the protection of all persons from enforced disappearances;

[18] A/HRC/19/58/Rev.1.

13. *Calls upon* States that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

14. *Urges* States to cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, to give serious consideration to responding favourably to its requests for visits to their countries;

15. *Encourages* the Working Group, in accordance with its working methods, to continue to provide concerned States with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for concerned States to cooperate with the Working Group;

16. *Expresses*:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action that they take on them;

(b) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

IV. General principles

17. *Takes note* of the reports submitted by the Office of the High Commissioner, including their recommendations, on programmes and other measures for the protection of witnesses implemented within the framework of criminal procedures relating to gross violations of human rights and serious violations of international humanitarian law,[19] on the seminar on the importance of archives as a means to guarantee the right to the truth[20] and on the obligation of States to investigate serious violations of human rights, and the use of forensic genetics;[21]

18. *Urges* States:

(a) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a competent authority promptly after detention as provided for by article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance;

(b) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearance as a crucial step in effective prevention;

[19] A/HRC/15/33.
[20] A/HRC/17/21.
[21] A/HRC/18/25 and Corr.1.

(c) To prevent and investigate with special attention the enforced disappearance of persons belonging to vulnerable groups, especially children, and the enforced disappearance of women, as they may become particularly vulnerable to sexual violence and other forms of violence, and to bring the perpetrators of those enforced disappearances to justice;

(d) To ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction and, if such belief is borne out, to ensure that all the perpetrators of enforced or involuntary disappearances are brought to justice;

(e) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering establishing, where appropriate, specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

(f) To consider the use of forensic genetics to contribute to the identification of the remains of the victims of enforced or involuntary disappearances and to address the issue of impunity;

(g) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families;

(h) To make provisions in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and, in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(i) To adopt an archival policy that ensures that all archives pertaining to human rights violations related to enforced disappearances held by all types of institutions are preserved, protected and accessible in accordance with applicable law, in order to habilitate victims to realize their right to the truth to judicial accountability and non-judicial truth seeking process and for reparations;

(j) To address the specific needs of the families of disappeared persons;

(k) To take appropriate steps to address the legal uncertainty under domestic law of the absence of the disappeared person and faced by their family members, the next-of-kin and others connected to him or her, including by considering the possibility to put in place a system of declaration of absence as a result of enforced disappearance;

(l) To intensify their cooperation with civil society organizations that deal with the issue of enforced disappearances;

19. *Decides* to continue consideration of the question of enforced or involuntary disappearances in accordance with its programme of work.

36th meeting
27 September 2012

[Adopted without a vote.]

21/5
Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights

The Human Rights Council,

Recalling all previous Human Rights Council resolutions on the issue of human rights and transnational corporations and other business enterprises, including Council resolutions 8/7 of 18 June 2008 and 17/4 of 16 June 2011, as well as Commission on Human Rights resolution 2005/69 of 20 April 2005,

Recalling also the endorsement of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework by the Human Rights Council in its resolution 17/4,

Recalling further the request made by the Human Rights Council in its resolution 17/4 to the Secretary-General to prepare a report on how the United Nations system as a whole, including programmes, funds and specialized agencies, can contribute to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles, addressing in particular how capacity-building of all relevant actors to this end can best be addressed within the United Nations system,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights, irrespective of where they conduct their business,

Recognizing the importance that guidance, initiatives and practices relevant to the area of business and human rights, at the international, regional and national levels, are guided by the Guiding Principles,

Recognizing also the importance of building the capacity of all actors to better manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in advancing the business and human rights agenda, particularly the Guiding Principles, including by supporting capacity-building efforts directed at Governments, business enterprises, civil society and other stakeholders,

1. *Welcomes* the report of the Secretary-General on the contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights;[22]

2. *Underscores* the need to adopt a coordinated strategic approach to ensure the integration of the business and human rights agenda, particularly the Guiding Principles, into all relevant aspects of the work of the United Nations system, and recognizes the role of the United Nations High Commissioner for Human Rights, her Office and existing system-wide policy and coordination mechanisms, in that effort;

[22] A/HRC/21/21.

3. *Encourages* all stakeholders to take into account in their submissions in connection with the universal periodic review the implementation of the State duty to protect against human rights abuses by third parties, including business enterprises, set out in the Guiding Principles;

4. *Recognizes* the particular role and mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, and encourages all special procedures mandate holders of the Human Rights Council to take into account the Guiding Principles as appropriate in their analyses of specific situations or thematic areas;

5. *Also recognizes* that States parties' obligations relating to business and human rights may be relevant for United Nations treaty bodies, in consistency with their mandates;

6. *Encourages* United Nations resident coordinators and country teams to take a lead, where possible, in collaboration with the Office of the High Commissioner, to ensure the integration of the Guiding Principles into planning, advocacy and capacity-building and development efforts at the national level, based on consultation with the relevant State;

7. *Encourages* all relevant entities of the United Nations system:

(a) To develop guidance and training relating to the dissemination and implementation of the Guiding Principles for Governments, business enterprises and civil society, as applicable, in the context of their respective mandates, in close collaboration with the Office of the High Commissioner and the Working Group on the issue of human rights and transnational corporations and other business enterprises;

(b) To strengthen efforts relating to the development and promotion of more specific and coherent guidance, advocacy, capacity-building and engagement with relevant stakeholders, and to further integrate the business and human rights agenda into their activities consistent with their respective mandates; this should include capacity-building directed at Government agencies, business enterprises, national human rights institutions, non-governmental organizations, trade unions, human rights defenders active in the context of business operations and other stakeholders, with a particular focus on the needs of individuals and groups that are especially vulnerable to adverse impact;

8. *Recommends* that relevant United Nations entities apply the Guiding Principles when formulating and implementing internal policies and procedures, including in investment management, procurement and partnerships with the business sector, taking into account the recommendations made in the report of the Secretary-General;

9. *Recognizes* the work done by the Global Compact in developing tools and guidance materials for the business sector and facilitating the sharing of knowledge and good practices, as well as the important role that the Global Compact could play in supporting dissemination and implementation of the Guiding Principles, particularly aimed at its local networks;

10. *Requests* the Secretary-General to report, from within existing resources, to the Human Rights Council at its twenty-sixth session on the challenges, strategies and developments with regard to the implementation of the present resolution by the United Nations system, including programmes, funds and agencies, and to make concrete recommendations for action;

11. *Also requests* the Secretary-General to undertake a feasibility study to explore the establishment of a global fund to enhance the capacity of stakeholders to advance the implementation of the Guiding Principles; the study should explore relevant issues, including how to secure multi-stakeholder engagement, governance models and

funding options; stakeholders should be involved in a consultative process using existing channels such as the Forum on Business and Human Rights, consultations with the Working Group on the issue of human rights and transnational corporations and other business enterprises, written and other informal consultations; the conclusions should be presented to the Human Rights Council and included in the report of the Secretary-General in June 2014;

12. *Decides* to organize a panel discussion at the twenty-second or twenty-third session of the Human Rights Council, with high-level representatives from relevant United Nations programmes, funds and agencies to discuss strategies for advancing the business and human rights agenda by the United Nations system; ideally as a topic for the annual half-day discussion on human rights mainstreaming at the twenty-second session;

13. *Also decides* to continue consideration of this question in conformity with its annual programme of work.

36th meeting
27 September 2012

[Adopted without a vote.]

21/6
Preventable maternal mortality and morbidity and human rights

For the text of the resolution, see chapter II.

21/7
Right to the truth

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil political, economic, social and cultural rights,

Recalling article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling also that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing by an adverse party as soon as circumstances permit,

Recalling further the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, article 24 (2) of which sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble to the Convention, which reaffirms the right to freedom to seek, receive and impart information to that end, and welcoming the entry into force of the Convention on 23 December 2010,

Taking into account Commission on Human Rights resolution 2005/66 of 20 April 2005, Human Rights Council decision 2/105 of 27 November 2006, and Council resolutions 9/11 of 18 September 2008 and 12/12 of 1 October 2009 on the right to the truth,

Taking also into account Human Rights Council resolutions 10/26 of 27 March 2009 and 15/5 of 29 September 2010 on forensic genetics and human rights, in which the Council recognized the importance of the utilization of forensic genetics to deal with the issue of impunity within the framework of investigations relating to gross human rights violations and serious violations of international humanitarian law,

Welcoming the creation of the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence by the Human Rights Council in its resolution 18/7 of 29 September 2011, and the appointment of a mandate holder by the Council at its nineteenth session,

Noting with interest the general comment of the Working Group on Enforced or Involuntary Disappearances on the right to the truth in relation to enforced disappearance,

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth[23] and their significant conclusions relating to the right to know the truth about gross violations of human rights and serious violations of international humanitarian law,

Acknowledging also the report of the Office of the High Commissioner on the right to the truth[24] and its conclusions regarding the importance of the protection of witnesses within the framework of criminal procedures relating to gross human rights violations and serious violations of international humanitarian law, as well as on issues relating to the elaboration and management of archive systems to guarantee the effective implementation of the right to the truth,

Stressing that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity,[25] and taking note with appreciation of the updated version of those principles,[26]

Noting that the Special Rapporteur on the independence of judges and lawyers has recognized the right to the truth, its scope and implementation,[27] and also that the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,[28]

---

[23] E/CN.4/2006/91, A/HRC/5/7, A/HRC/15/33.
[24] A/HRC/12/19.
[25] E/CN.4/Sub.2/1997/20/Rev.1, annex II.
[26] E/CN.4/2005/102/Add.1.
[27] E/CN.4/2006/52.
[28] E/CN.4/1999/62.

Acknowledging in cases of gross violations of human rights and serious violations of international humanitarian law the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation and other relevant human rights,

Stressing the importance for the international community to endeavour to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations and the circumstances under which they occurred,

Stressing also that it is important for States to provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims to know the truth regarding gross violations of human rights and serious violations of international humanitarian law,

Recalling that a specific right to the truth may be characterized differently in some legal systems as the right to know, the right to be informed, or freedom of information,

Emphasizing that the general public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government, within the framework of each State's domestic legal system,

Recognizing the importance of preserving historic memory relating to gross human rights violations and serious violations of international humanitarian law through the conservation of archives and other documents relating to those violations,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. *Welcomes* the establishment in several States of specific judicial mechanisms and other non-judicial mechanisms, such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. *Encourages* the States concerned to disseminate, implement and monitor implementation of the recommendations of such non-judicial mechanisms as truth and reconciliation commissions, and to provide information regarding compliance with the decisions of judicial mechanisms;

4. *Encourages* other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, in order to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States and international organizations to provide requesting States with necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and the exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the protection, promotion and implementation of

this right, including practices regarding the protection of witnesses and the preservation and management of archives;

6. *Encourages* States to design programmes and other measures to protect witnesses and individuals who cooperate with judicial bodies and mechanisms of a quasi-judicial or non-judicial nature, such as human rights commissions and truth commissions;

7. *Calls upon* States to work in cooperation with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in accordance with his mandate, including by extending invitations to the Special Rapporteur;

8. *Welcomes* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, and encourages all States that have not yet signed, ratified or acceded to the Convention to consider doing so;

9. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the right to the truth[29] and, in accordance with its conclusions, calls upon all States to consider developing comprehensive witness protection programmes covering all types of crimes, including gross human rights violations and serious violations of international humanitarian law;

10. *Also takes note with appreciation* of the report of the Office of the High Commissioner on the seminar on experience of archives as a means to guarantee the right to the truth,[30] which outlined the importance of archives to the ability of victims to realize their right to the truth, to judicial accountability and non-judicial truth-seeking processes, and for reparations, and, in accordance with its concluding observations, encourages States that have not yet done so to establish a national archival policy that ensures that all archives pertaining to human rights are preserved and protected, and to enact legislation that declares that the nation's documentary heritage is to be retained and preserved, and creates the framework for managing State records from their creation to destruction or preservation;

11. *Requests* the Office of the High Commissioner to invite, from within existing resources, Member States, United Nations organs, intergovernmental organizations, national human rights institutions and non-governmental organizations to provide information on good practices in the establishment, preservation and provision of access to national archives on human rights, and to make the information received publically available in an online database;

12. *Invites* special procedures and other mechanisms of the Human Rights Council, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

13. *Decides* to consider this matter at its twenty-seventh session under the same agenda item or at the corresponding session in conformity with its annual programme of work.

36th meeting
27 September 2012

[Adopted without a vote.]

[29] A/HRC/15/33.
[30] A/HRC/17/21.

21/8
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010 and 18/4 of 29 September 2011,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Recalling the holding of regional consultations in all five regions from 2007 to 2011, in which participants noted that the enjoyment and exercise of human rights were increasingly impeded by the emergence of several new challenges and trends relating to mercenaries or their activities and by the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of those consultations,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a

threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

3. *Urges* once again all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

6. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

7. *Calls upon* all States that have not yet become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

8. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

10. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

12. *Acknowledges* with appreciation the work and contributions made by the Working Group, including its research activities, and takes note of its latest report;[31]

13. *Welcomes* the holding of the second session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and expresses satisfaction at the participation of experts, including of the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests the Working Group and other experts to continue to do so;

14. *Takes note* of the note by the Secretariat on the report of the second session of the open-ended intergovernmental working group;[32]

15. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military or security company contribute to the work of the open-ended intergovernmental working group, taking into account the work done by the Working Group on the use of mercenaries;

16. *Requests* the Working Group on the use of mercenaries to continue the work already done by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session;[33]

17. *Reiterates* its requests to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to establish a database of individuals convicted of mercenary activities;

19. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

---

[31] A/HRC/21/43.
[32] A/HRC/21/40.
[33] E/CN.4/2004/15.

20. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

21. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

22. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session;

23. *Decides* to continue its consideration of this matter under the same agenda item at its twenty-fourth session.

36th meeting
27 September 2012

[Adopted by a recorded vote of 34 to 12, with 1 abstention. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Mexico]

21/9
Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on this issue, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008 and 18/6 of 29 September 2011,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and

2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of

society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of, and technology transfer to, developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

10. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

11. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

12. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

13. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

14. *Takes note* of the report submitted by the Independent Expert on the promotion of a democratic and equitable international order;[34]

15. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

16. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

17. *Requests* the Independent Expert to submit to the Human Rights Council, at its twenty-fourth session, a report on the implementation of the present resolution, with particular emphasis on the fostering of full, equitable and effective participation, including the obstacles to that aim and possible measures to overcome them;

18. *Invites* the Independent Expert to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and other stakeholders from all regions;

19. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms extended by the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

20. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

21. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

22. *Decides* to continue consideration of this matter under the same agenda item at its twenty-fourth session.

36th meeting
27 September 2012

[Adopted by a recorded vote of 31 to 12, with 4 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Chile, Costa Rica, Mexico, Peru]

[34] A/HRC/21/45 and Corr.1.

21/10
Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005, Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011 and 18/5 of 29 September 2011, and taking note of the reports submitted by the Independent Expert on human rights and international solidarity,[35]

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Taking into account the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including, in particular, the adoption of legislative measures,

Persuaded that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing its concern at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several developing countries, particularly least developed and African countries, as well as the small and vulnerable economies,

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a

[35] A/HRC/21/44 and Add.1.

massive loss of life and long-term negative social, economic and environmental consequences for developing countries, in particular the most vulnerable countries throughout the world,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming also the fact that the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts made by developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

5. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crises, particularly in developing countries;

6. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual

respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

7. *Also reaffirms* that much more is needed owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters and the continuing rises in poverty and inequality; ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters;

8. *Recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements and countless people of goodwill reaching out to others;

9. *Also recognizes* that the so-called "third-generation rights" closely interrelated with the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, and to cooperate with the Independent Expert on human rights and international solidarity in her mandate, to supply all necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their country to enable her to fulfil her mandate effectively;

11. *Takes note with appreciation* of the report of the Independent Expert on human rights and international solidarity,[36] and welcomes her participation in the United Nations Conference on Sustainable Development (Rio+20) and in the People's Summit,[37] and encourages her active engagement in the post-2015 process, stressing the role of international solidarity as a key element to achieve a sustainable and more inclusive development;

12. *Welcomes* the holding of the expert workshop on human rights and international solidarity in Geneva on 7 and 8 June 2012, and takes note of the summary of the discussion contained in the addendum to the report of the Independent Expert;[38]

13. *Requests* the Independent Expert:

(a) To continue to identify areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

(b) To hold consultations with States, relevant United Nations and other international organizations, agencies and programmes, as well as other stakeholders at the national, regional and international levels, in the discharge of her mandate;

(c) To undertake country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity;

---

[36] A/HRC/21/44.

[37] Ibid., paras. 65–67.

[38] A/HRC/21/44/Add.1.

(d) To conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity;

(e) To participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda;

(f) To report regularly to the General Assembly in accordance with its programme of work;

14. *Reiterates* its request to the Independent Expert to continue her work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right by addressing, inter alia, existing and emerging obstacles to its realization;

15. *Also reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

16. *Takes note* of the final paper on human rights and international solidarity submitted by the drafting group on human rights and international solidarity of the Human Rights Council Advisory Committee,[39] as an input to the process of elaborating a draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

17. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-third session;

18. *Decides* to continue its examination of this issue at its twenty-third session under the same agenda item.

36th meeting
27 September 2012

[Adopted by a recorded vote of 35 to 12, with no abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

[39] A/HRC/21/66.

21/11
Guiding principles on extreme poverty and human rights

For the text of the resolution, see chapter II.

21/12
Safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Geneva Conventions of 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 12/16 of 2 October 2009, as well as Council resolutions 13/24 of 26 March 2010 and 20/8 of 5 July 2012,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all in accordance with articles 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Reaffirming that everyone has the right to life, liberty and security of person,

Recognizing the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression,

Acknowledging the particular role played by journalists in matters of public interest, including by raising awareness of human rights,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Recognizing that the work of journalists often puts them at specific risk of intimidation, harassment and violence,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining, in this context, the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Taking note of the good practices of different countries aiming at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Underlining the important role of regional and subregional organizations in the safety of journalists,

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists,

Taking note of the International Conference on Protection of Journalists in Dangerous Situations, held on 22 and 23 January 2012 in Doha,

1. *Recalls*, in the context of this resolution, the rights contained in the International Covenant on Civil and Political Rights, in particular article 19, which states that:

> 1. Everyone shall have the right to hold opinions without interference;
>
> 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice;
>
> 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> (a) For respect of the rights or reputations of others;
>
> (b) For the protection of national security or of public order (ordre public), or of public health or morals;

2. *Takes note* of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression[40] and the Special Rapporteur on extrajudicial, summary or arbitrary executions,[41] presented to the Human Rights Council at its twentieth session, and the interactive dialogue thereon;

3. *Expresses its concern* that violations of the right to freedom of opinion and expression continue to occur, including increased attacks against and killings of journalists and media workers, and stressing the need to ensure greater protection for all media professionals and for journalistic sources;

4. *Condemns in the strongest terms* all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;

5. *Expresses its concern* that there is a growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations;

6. *Calls on* all parties to armed conflict to respect their obligations under international human rights law and international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and, where applicable, the Additional Protocols thereto of 8 June 1977, the provisions of which extend protection to journalists in situations of armed conflict, and to allow, within the framework of applicable rules and procedures, media access and coverage, as appropriate, in situations of international and non-international armed conflict;

7. *Expresses its concern* that attacks against journalists often occur with impunity, and calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies;

---

[40] A/HRC/20/17 and Add.1–3.

[41] A/HRC/20/22, Corr.1 and Add.1–4.

8. *Calls upon* States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) awareness-raising in the judiciary, law enforcement officers and military personnel, as well as journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the monitoring and reporting of attacks against journalists; (d) publicly condemning attacks; and (e) dedicating necessary resources to investigate and prosecute such attacks;

9. *Encourages* States to put in place voluntary protection programmes for journalists, based on local needs and challenges, including protection measures that take into account the individual circumstances of the persons at risk, as well as, where applicable, the good practices in different countries;

10. *Invites* relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

11. *Stresses* the need to ensure better cooperation and coordination at the international level with regard to ensuring the safety of journalists, including with regional organizations, and invites United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, elaborated by the United Nations Educational, Scientific and Cultural Organization and endorsed by the United Nations System Chief Executives Board for Coordination;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to prepare, working in consultation with States and other relevant stakeholders, a compilation of good practices in the protection of journalists, the prevention of attacks and the fight against impunity for attacks committed against journalists, and to present the compilation in a report to the Human Rights Council at its twenty-fourth session.

37th meeting
27 September 2012

[Adopted without a vote.]

21/13
Panel discussion on the negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolution 19/20 of 23 March 2012 on the role of good governance in the promotion and protection of human right, as well as the United Nations Millennium Declaration,

Deeply concerned about the increasing negative impact of widespread corruption on the enjoyment of human rights,

Recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption, and welcoming also the commitment made by all States in the 2005 World Summit Outcome to make the fight against corruption a priority at all levels,

Welcoming also the joint statement on the negative impact of corruption on the enjoyment of human rights made on behalf of one hundred and thirty four States Members of the United Nations at the twentieth session of the Human Rights Council,

1. *Decides* to convene, at its twenty-second session, from within existing resources, a panel discussion on the issue of the negative impact of corruption on the enjoyment of human rights;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the above-mentioned panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies and special procedures, in particular the United Nations Office on Drugs and Crime and the United Nations Development Programme, international organizations, in particular the International Anti-Corruption Academy, relevant regional human rights mechanisms, as well as with civil society, non-governmental organizations and national human rights institutions, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare and submit a summary report on the panel discussion to the Human Rights Council at its twenty-third session.

37th meeting
27 September 2012

[Adopted without a vote.]

21/14
World Programme for Human Rights Education

The Human Rights Council,

Reaffirming that, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, States are duty-bound to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms,

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, resolutions 59/113 A of 10 December 2004 and 59/113 B of 14 July 2005, in which the Assembly proclaimed the World Programme for Human Rights Education and adopted the Plan of Action for its first phase, and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning, as well as Commission on Human Rights resolution 2005/61 of 20 April 2005 and

Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006 on the World Programme for Human Rights Education,

Recalling also Human Rights Council resolutions 6/9 and 6/24 of 28 September 2007, 9/12 of 24 September 2008, 10/3 of 25 March 2009, 12/4 of 1 October 2009 and 15/11 of 30 September 2010,

Recalling further that the World Programme is an ongoing initiative structured in consecutive phases to advance the implementation of human rights education programmes in all sectors, and that Member States should continue the implementation of human rights education in primary and secondary school systems, which was the focus of the first phase (2005–2009), while taking the necessary measures to implement the second phase (2010–2014), which focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels,

Welcoming the adoption by the General Assembly of the United Nations Declaration on Human Rights Education and Training in its resolution 66/137 of 19 December 2011,

1. *Takes note* of the progress report on the implementation of the World Programme for Human Rights Education prepared by the Office of the United Nations High Commissioner for Human Rights;

2. *Welcomes* initiatives by all relevant stakeholders on the implementation of the second phase of the World Programme;

3. *Encourages* all States, and, where appropriate, relevant stakeholders that have not yet taken steps to implement, within their capabilities, the World Programme and the Plan of Action to do so;

4. *Encourages* all States and other relevant stakeholders to apply in their human rights education initiatives sound educational methodologies based on good practices and assessed through continued evaluation, and recommends cooperation, networking and information sharing among all actors;

5. *Recognizes* that the World Programme for Human Rights Education is among useful tools that may assist and enhance the national implementation of the United Nations Declaration on Human Rights Education and Training;

6. *Requests* the Office of the High Commissioner to seek the views of States, national human rights institutions and other relevant stakeholders on the target sectors, focus areas or thematic human rights issues for the third phase of the World Programme, and to submit a report thereon to the Council at its twenty-fourth session.

37th meeting
27 September 2012

[Adopted without a vote.]

21/15
Human rights and transitional justice

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 8 June 1977, other relevant

international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling also Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, and Human Rights Council resolutions 12/11 of 12 October 2009, on human rights and transitional justice, 9/11 of 18 September 2008 and 12/12 of 1 October 2009, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, as well as Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice,

Welcoming Human Rights Council resolution 18/7 of 29 September 2011, in which the Council created the mandate of special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and the appointment of a mandate holder by the Council at its nineteenth session,

Welcoming also the decision of the General Assembly to convene a high-level meeting on the theme "The rule of law at the national and international levels" during the high-level segment of its sixty-seventh session,[42]

Recalling the reports of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,[43] including the relevant recommendations contained therein, the report of the Secretary-General entitled "Uniting our strengths: Enhancing United Nations support for the rule of law",[44] which designated the Office of the United Nations High Commissioner for Human Rights as the lead entity within the United Nations system on, inter alia, transitional justice, subsequent reports of the Secretary-General on the rule of law[45] and the report of the Secretary-General on enhancing mediation and its support activities,[46] and taking note of the guidance note of the Secretary-General on the United Nations Approach to Transitional Justice of March 2010,

Recalling also the set of principles for the protection and promotion of human rights through action to combat impunity,[47] and taking note with appreciation of the updated version of those principles,[48] as well as the report of the Special Rapporteur on the independence of judges and lawyers submitted to the Commission on Human Rights,[49]

Recalling further Security Council resolution 1325 (2000) of 31 October 2000 and its subsequent resolutions 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010 on women, peace and security, and reaffirming the important role of women in the prevention and

[42] General Assembly resolution 65/32, para. 13.
[43] S/2004/616 and S/2011/634.
[44] A/61/636-S/2006/980.
[45] A/63/226, A/63/64, A/64/298, A/65/318 and A/66/133.
[46] S/2009/189.
[47] E/CN.4/Sub.2/1997/20/Rev.1, annex II.
[48] E/CN.4/2005/102/Add.1.
[49] E/CN.4/2006/52.

resolution of conflicts and in peacebuilding, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Welcoming the role of the Peacebuilding Commission in this regard, and recalling the necessity for the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate human rights, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Noting the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals, and also that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and promote the rule of law, as well as its conceptual and analytical work on transitional justice and human rights, and encouraging greater efforts to ensure that a gender perspective and a victim-centred approach are fully integrated into all of these activities,

Welcoming also the increased integration of a human rights perspective, including through activities of the Office of the High Commissioner in cooperation with other relevant actors of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner and her Office, including its Rule of Law and Democracy Unit,

Stressing that the full range of civil, cultural, economic, political and social rights should be taken into account in any transitional justice context in order to promote, inter alia, the rule of law and accountability,

1. *Emphasizes* the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law;

2. *Underlines* that, when designing a transitional justice strategy, the specific context of each situation has to be taken into account with a view to preventing the recurrence of crises and future violations of human rights, and to ensure social cohesion, institution-building, ownership and inclusiveness at the national and local levels;

3. *Also underlines* that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes and that, when established, such mechanisms have to be designed within a specific societal context and to be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations;

4. *Stresses* the need within a sustainable transitional justice strategy to develop national prosecutorial capacities that are based on a clear commitment to combat impunity, to take into account the victim's perspective and to ensure compliance with human rights obligations concerning fair trials;

5. *Reaffirms* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity;

6. *Calls upon* States, in particular, to comply with their obligations under applicable international law when prosecuting persons for gender-based and sexual violence, to ensure that all victims of such violence have equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking truth, justice, reparation and guarantees of non-recurrence;

7. *Notes with interest* the position of the Secretary-General that peace agreements endorsed by the United Nations can never permit amnesties for genocide, crimes against humanity, war crimes and gross violations of human rights;

8. *Reaffirms* that remedies for gross violations of international human rights law and serious violations of international humanitarian law include, as provided for under international law, the victim's right to:

(a) Equal and effective access to justice;

(b) Adequate, effective and prompt reparation for harm suffered;

(c) Access to relevant information concerning violations and reparation mechanisms;

9. *Emphasizes* that a human rights-based approach should be incorporated into vetting processes as part of institutional reform aiming at preventing the recurrence of human rights violations and at building confidence in State institutions;

10. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and transitional justice,[50] taking note of the analysis of the relationship between disarmament, demobilization and reintegration and transitional justice, and stressing that disarmament, demobilization and reintegration and transitional justice processes are interrelated and that coordination between the two efforts is essential to facilitate their coherence and mutual reinforcement;

11. *Emphasizes* that justice, peace, democracy and development are mutually reinforcing imperatives;

12. *Welcomes* the fact that a growing number of peace agreements contain provisions for transitional justice processes, such as truth-seeking, prosecution initiatives, reparations programmes and institutional reform, and do not provide for blanket amnesties;

13. *Underlines* the importance and urgency of national and international efforts to end human rights violations, restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional processes;

14. *Stresses* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic

[50] A/HRC/18/23.

transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights;

15. *Underlines* the importance of giving vulnerable groups, including those marginalized for political, socioeconomic or other reasons, a voice in these processes and to ensure that discrimination, the root causes of conflict, and violations of all human rights, including economic, social and cultural rights, are addressed;

16. *Recognizes* the important role played in the realization of transitional justice goals and in the reconstruction of society, as well as in the promotion of the rule of law and accountability, by:

(a) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(b) Women's organizations in the design, establishment and implementation of transitional justice mechanisms, so as to ensure that women are represented in their structures and that a gender perspective is reflected in their mandates and work;

(c) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally;

17. *Strongly condemns* violence against women and girls committed in conflict and post-conflict situations, such as murder, rape, including systematic rape, sexual slavery, forced pregnancy and enforced sterilization, recognizing that the term "violence against women" is not limited to sexual violence but includes any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, and calls for effective measures of accountability and redress where those acts amount to violations of international human rights and humanitarian law;

18. *Recognizes* that sexual and gender-based violence is also committed against men and boys in conflict and post-conflict situations and, as such, can also constitute a gross violation of international human rights law and a serious violation of international humanitarian law and that such violations must be investigated, prosecuted and punished, and redress be provided to victims in accordance with applicable domestic law obligations under international law;

19. *Also recognizes* that sexual and gender-based violence, particularly in conflict and post-conflict situations, affects victims, families, communities and societies, and stresses that effective remedies in those situations should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of such violence;

20. *Underlines* the needs of women and the particular needs of children in transitional justice processes and the obligation and importance of enabling the full and equal participation of women, and the importance of engaging children, consistent with their age and maturity, in all aspects of post-conflict recovery, recognizing their crucial role in facilitating the reconstruction of society, the promotion of the rule of law and ensuring accountability;

21. *Also underlines* the need for the rights of both victims and accused persons to be respected, in accordance with international human rights law, with particular attention to be paid to those most affected by conflicts and the lack of effective rule of law mechanisms, among them women, children, migrants, refugees, internally displaced persons, persons with disabilities and persons belonging to national or ethnic, religious or linguistic

minorities and indigenous peoples, and to ensure that specific measures are taken for their free participation and protection and for the sustainable return of refugees and internally displaced persons in safety and dignity;

22. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls, in order to ensure gender sensitivity and gender mainstreaming in the restoration of the rule of law and transitional justice processes;

23. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the reports of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,[43] the report of the Secretary-General entitled "Uniting our strengths: Enhancing United Nations support for the rule of law"[44] as well as subsequent reports of the Secretary-General on the rule of law,[44] including by incorporating international human rights law, principles and best practices into the development and implementation of transitional justice mechanisms and by cooperating fully with United Nations field presences in the area of human rights and transitional justice and by facilitating the work of relevant special procedures;

24. *Calls upon* the international community and regional organizations to assist countries who so consent, in the context of transitional justice, to ensure the promotion and protection of human rights and to incorporate best practices into the development and implementation of transitional justice mechanisms;

25. *Recommends* that a human rights and transitional justice perspective be taken into account in peace negotiations, and that those conducting peace negotiations draw upon the relevant human rights and transitional justice expertise available within the United Nations system;

26. *Welcomes* the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,[51] in which the Special Rapporteur concluded that, as a set of measures, the four components of his mandate are interrelated and mutually reinforcing when implemented to redress gross violations of human rights and serious violations of international humanitarian law and that, with respect to the meaningful participation of victims, the participatory procedures necessary to address the different needs and opportunities of women, men and children have yet to be established;

27. *Acknowledges* the fundamental importance of human rights education and training in contributing to the promotion, protection and effective realization of all human rights, including the area of human rights and transitional justice;

28. *Invites* States to avail themselves of the expertise and advisory services of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in the area of human rights and transitional justice, and encourages the Special Rapporteur, within his mandate, to share experience and information relating to good practices, technical assistance and capacity-building in his interaction with States in this regard;

29. *Encourages* the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence to work, within his mandate, in close cooperation with relevant special procedures of the Human Rights Council and relevant

[51] A/HRC/21/46.

actors within the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the Committee on the Elimination of Discrimination against Women, as appropriate, in the fulfilment of the gender-specific dimension of his mandate;

30. *Requests* the Office of the High Commissioner to continue to enhance its leading role within the United Nations, including with regard to conceptual and analytical work regarding transitional justice, and to assist States, with their consent, to design, establish and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, as well as with other relevant actors of the United Nations and other international and non-governmental organizations, with regard to incorporating human rights and best practices into the development and implementation of transitional justice mechanisms and to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

31. *Invites* other relevant actors of the United Nations system to cooperate fully with the Office of the High Commissioner and the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence in the area of human rights and transitional justice;

32. *Requests* the Office of the High Commissioner to submit an analytical study to the Human Rights Council, prior to its twenty-seventh session, focusing on gender-based and sexual violence in relation to transitional justice in conflict and post-conflict situations, the effective participation of victims and the participatory procedures necessary to address the different needs and opportunities of women, men and children, including good practices of States in the field of truth-seeking, justice, reparation and institutional reform and undertaken in consultation with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on violence against women, its causes and consequences, other relevant mandate holders, the United Nations Entity for Gender Equality and the Empowerment of Women, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict, other relevant actors of the United Nations system, civil society and other stakeholders;

33. *Decides* to continue its consideration of this matter at its twenty-seventh session or at the corresponding session in conformity with its annual programme of work.

37th meeting
27 September 2012

[Adopted without a vote.]

21/16
The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Reaffirming Human Rights Council resolution 15/21 of 30 September 2010, and recalling Council resolutions 19/35 of 23 March 2012 and 20/8 of 5 July 2012 and relevant resolutions of the Commission on Human Rights,

Recognizing the importance of the rights of everyone to freedom of peaceful assembly and of association to the full enjoyment of all human rights,

Recalling that, in accordance with the International Covenant on Civil and Political Rights and as similarly prescribed in the International Covenant on Economic, Social and Cultural Rights, no restriction may be placed on the exercise of the rights to freedom of peaceful assembly and of association other than those that are prescribed by law and that are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others,

Reiterating the critical mandate, role, expertise and specialized supervisory mechanisms and procedures of the International Labour Organization with respect to employers' and workers' rights to freedom of association,

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,[52]

Reiterating the important role of new information and communications technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association, and the importance for all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries,

Recognizing the importance of the freedoms of peaceful assembly and of association, as well as the importance of civil society, to good governance, including through transparency and accountability, which is indispensible for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

1. *Reminds* States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law;

2. *Expresses concern* at violations of the rights to freedom of peaceful assembly and of association;

3. *Emphasizes* the critical role of the rights to freedom of peaceful assembly and of association for civil society, and recognizes that civil society facilitates the achievement of the purposes and principles of the United Nations;

4. *Stresses* that respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights;

[52] A/HRC/20/27.

5. *Reiterates its call upon* States to cooperate fully with and assist the Special Rapporteur on the rights to freedom of peaceful assembly and of association in the performance of his mandate;

6. *Reiterates its call upon* the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of the Office, at the request of States, and to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

7. *Invites* the Special Rapporteur on the rights to freedom of peaceful assembly and of association to include, in his next annual report, the importance of the freedom of peaceful assembly and of association to the work of civil society actors, including with respect to the progressive realization of economic, social and cultural rights;

8. *Requests* the Special Rapporteur to present an annual report to the General Assembly;

9. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

37th meeting
27 September 2012

[Adopted without a vote.]

21/17
Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 9/1 of 24 September 2008 and 18/11 of 27 September 2011, and all the resolutions of the Commission on Human Rights on this matter,

1. *Takes note* of the report of the previous Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;[53]

[53] A/HRC/21/48 and Corr.1.

2. *Requests* the new Special Rapporteur, in accordance with his mandate, to provide comprehensive and up-to-date information on the adverse effects that the improper management and disposal of hazardous substances and wastes may have on the full enjoyment of human rights, for example, information on:

(a) The human rights issues raised by transnational corporations and other business enterprises in connection with the environmentally sound management and disposal of hazardous substances and wastes;

(b) The scope of national legislation relating to the human rights implications of the management and disposal of hazardous substances and wastes;

(c) The human rights implications of waste-recycling programmes and the transfer of polluting industries, industrial activities and technologies from one country to another and new trends therein, including e-waste and the dismantling of ships;

(d) Support and assistance to victims of human rights violations relating to the environmentally sound management and disposal of hazardous substances and wastes;

(e) The ambiguities in international instruments that allow the movement and dumping of hazardous substances and wastes, and any gaps in the effectiveness of international regulatory mechanisms;

(f) Human rights abuses and violations committed against human rights defenders owing to their activities relating to the environmentally sound management and disposal of hazardous substances and wastes;

3. *Encourages* the Special Rapporteur to fulfil his mandate in close cooperation with the United Nations Environment Programme, relevant United Nations agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of international environmental conventions, with a view to mainstreaming human rights into their work and to avoiding duplication;

4. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and organizations and the secretariats of relevant international environmental conventions concerning a multidisciplinary, in-depth approach to existing problems, and to take due account of progress made in other bodies, as well as to identify gaps, with a view to finding lasting solutions for the management of such substances and wastes and to preparing a progress report thereon, with specific recommendations and proposals on the steps to be taken immediately to address adverse effects on human rights of hazardous substances and wastes, and to submit that report to the Human Rights Council at its twenty-fourth session;

5. *Also urges* the Special Rapporteur to develop, in consultation with relevant stakeholders and with the support of the United Nations High Commissioner for Human Rights, a guide to best practices regarding the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes, and to submit the guide together with his report to the Human Rights Council at its twenty-seventh session;

6. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to reflect their observations in his report to the Human Rights Council;

7. *Reiterates its call* to States and other stakeholders to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

8. *Reiterates its call* to the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the assistance necessary for the successful fulfilment of his mandate;

9. *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.

37th meeting
27 September 2012

[Adopted without a vote.]

21/18
Human rights and issues related to terrorist hostage-taking

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling Human Rights Council resolution 18/10 of 29 September 2011, in which the Council requested the Advisory Committee to prepare a study on human rights and issues related to terrorist hostage-taking and to present an interim report on the study at its twenty-first session, and the final study at its twenty-third session,

1. *Takes note* of the preliminary report submitted by the drafting group of the Advisory Committee to the Committee at its ninth session;[54]

2. *Decides* to grant the Advisory Committee further time to allow it to submit an interim report on the subject to the Human Rights Council at its twenty-second session and the final study at its twenty-fourth session.

37th meeting
27 September 2012

[Adopted without a vote.]

21/19
Promotion and protection of the human rights of peasants and other people working in rural areas

The Human Rights Council,

Recalling Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Underlining the imperative need to achieve the Millennium Development Goals by 2015 in order to contribute to making the right to development a reality for everyone,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 80 per cent of people suffering from hunger live in rural areas, particularly

[54] A/HRC/AC/9/CRP.1.

in developing countries, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change, lack of development and lack of access to scientific progress,

Taking note of the draft declaration on the rights of peasants and other people working in rural areas prepared by the Advisory Committee and submitted to the Human Rights Council,[55]

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

1. *Decides* to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals;

2. *Also decides* that the working group shall hold its first session for five working days in 2013, before the twenty-third session of the Human Rights Council;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate;

4. *Requests* the President of the Human Rights Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the first session of the working group;

5. *Invites* States, civil society, representatives of peasants and other people working in rural areas and all relevant stakeholders to contribute actively and constructively to the work of the working group;

6. *Requests* the working group to submit a report on progress made to the Human Rights Council for its consideration at its twenty-sixth session.

37th meeting
27 September 2012

[Adopted by a recorded vote of 23 to 9, with 15 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Kyrgyzstan, Malaysia, Peru, Philippines, Russian Federation, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Romania, Spain, United States of America

[55] A/HRC/19/75, annex.

Abstaining:

Botswana, Jordan, Kuwait, Libya, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Switzerland]

21/20
High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Noting that 2013 will mark the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights on 25 June 1993,

Emphasizing that the anniversary offers an important opportunity to reiterate the commitment to the universal promotion and protection of the human rights of all, as well as to reflect on achievements, best practices and challenges with regard to the implementation of the Declaration and Programme of Action,

Emphasizing also the need for continued and reinforced efforts for the full realization of the human rights of all,

1. *Decides* to convene, at the first day of the high-level segment of its twenty-second session, a high-level panel discussion to commemorate the twentieth anniversary of the Vienna Declaration and Programme of Action, with a particular focus on its implementation, as well as on achievements, best practices and challenges in this regard;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion,

3. *Also requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary.

37th meeting
27 September 2012

[Adopted without a vote.]

21/21
Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction of any kind, such as

race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Emphasizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violation and comply with their human rights obligations for the benefit of all human beings,

Recalling the mandate of the Human Rights Council to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and the provisions in Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Reaffirming the resolutions of the Commission on Human Rights that provided the foundation for advisory services and technical cooperation in the field of human rights, in particular resolutions 1993/87 of 10 March 1993 and 2004/81 of 21 April 2004,

Reaffirming also Human Rights Council resolution 18/18 of 29 September 2011,

Acknowledging that one of the responsibilities of the United Nations High Commissioner for Human Rights and her Office is providing advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights,

Acknowledging also the role and potential impact of the activities of the relevant agencies of the United Nations and international and regional organizations, as well as the contribution of civil society organizations in providing States with technical support and assistance on the basis of needs and requests of the States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Reaffirming the important and constructive role played by existing national and regional human rights institutions in the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities,

1. *Reaffirms* that States have the primary responsibility for the promotion and protection of all human rights;

2. *Emphasizes* the need to promote a cooperative and constructive approach and international cooperation for the promotion and protection of human rights, and to enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building, particularly through discussions held under agenda item 10;

3. *Decides*, in accordance with paragraphs 3 and 4 of Human Rights Council resolution 18/18, that the theme for an annual thematic panel discussion under agenda item 10, to be held during the twenty-second session of the Council, shall be "Promoting technical cooperation for the strengthening of the judiciary system and administration of justice in order to ensure human rights and rule of law";

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on activities undertaken by the Office, other relevant United Nations agencies, in particular the United Nations Office on Drugs and Crime, and, where applicable, regional organizations to support efforts by States to strengthen their judiciary

system and administration of justice, for submission to the Human Rights Council at its twenty-second session, to serve as a basis for the thematic panel discussion, and to liaise with States, relevant United Nations bodies and agencies, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and a positive impact on the ground, with a view to ensuring their participation in the thematic panel discussion;

5. *Encourages* States Members and observers of the Human Rights Council to use, where relevant, the general debate under agenda item 10 as a platform to share experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, as well as their achievements and good practices in the area of technical cooperation in the field of human rights, particularly in response to the information on technical assistance and capacity-building provided by the High Commissioner and the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, in accordance with paragraphs 7 and 8 of Council resolution 18/18;

6. *Emphasizes* that the discussion to promote technical cooperation and capacity-building in the Human Rights Council should be based on consultations with and the consent of the States concerned, and should take into account their needs and aim to make a concrete impact on the ground, while technical assistance -shall be provided upon the request of States concerned;

7. *Also emphasizes* that technical cooperation projects should be designed and implemented taking into account the principle that civil, political, economic, social and cultural rights are interdependent;

8. *Affirms* that technical cooperation should be an inclusive exercise that engages and involves all national stakeholders, including Government agencies and civil societies, at all stages;

9. *Welcomes* the panel discussion, held under agenda item 10 at the nineteenth session of the Human Rights Council, on the theme "Sharing of best practices and promoting technical cooperation: paving the way towards the second cycle of the universal periodic review", the presentations given under agenda item 10 at the twentieth session of the Council by the High Commissioner and the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the constructive dialogue among Members and observers of the Council generated therefrom;

Technical cooperation and the universal periodic review

10. *Recognizes* that technical cooperation, including the sharing of experiences, best practices, expertise and capacity-building, is a useful tool to promote the implementation of all international human rights obligations and accepted universal periodic review recommendations;

11. *Affirms* that the universal periodic review process as a channel to initiate constructive dialogue on human rights and explore avenues for technical cooperation with States under review and that the accepted universal periodic review recommendations, pledges and commitments could serve as a platform to develop and strengthen technical cooperation among States and between States and relevant United Nations agencies, as well as to develop partnerships among United Nations agencies, in order to support the implementation of international human rights obligations by States;

12. *Encourages* donor countries and relevant United Nations agencies to take technical assistance needs, as identified by States under review, for supporting States'

efforts to implement universal periodic review recommendations into consideration in the formulation of their bilateral technical cooperation programmes;

13. *Welcomes* the contributions made by States towards the process of follow-up and implementation of universal periodic review recommendations in States under review, and encourages all States to contribute to the follow-up to and implementation of such recommendations by States under review through, inter alia, the sharing of experiences, best practices and expertise and the offering of technical assistance, on the basis of requests and the consent of the States concerned;

14. *Also welcomes* the efforts made by the Office of the High Commissioner and other relevant United Nations agencies to promote and support the implementation of universal periodic review recommendations by States, including the strengthening by the Office of its capacity to provide such support, and calls for the Office and other relevant United Nations agencies to continue to provide timely and quality support for States' requests in their efforts to implement accepted universal periodic review recommendations and the preparation of their national reports for the review, and encourages greater coordination in this regard;

15. *Stresses* the important role of the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in promoting the implementation of accepted universal periodic review recommendations, and encourages States and other donors to make a contribution to the Fund in order to meet the increased demand for assistance, and also encourages the Office of the High Commissioner to establish transparent criteria for its allocation;

16. *Recognizes* that existing national human rights institutions and civil society can play an important role in supporting the implementation of accepted universal periodic review recommendations and the preparation of national universal periodic review reports, and hence encourages States and relevant United Nations agencies to provide technical assistance and capacity-building for and to collaborate with these actors in those processes.

37th meeting
27 September 2012

[Adopted without a vote.]

21/22
Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant human rights treaties,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011 and 2051 (2012) of 12 June 2012 and Human Rights Council resolutions 18/19 of 29 September 2011 and 19/29 of 23 March 2012,

Recognizing that the promotion and protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

Welcoming the process of political transition based on the Gulf Cooperation Council initiative and its implementation mechanism that has started in Yemen, and the commitment of the Government of Yemen to fully promote and protect human rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation in Yemen[56] and of the debate held during the twenty-first session of the Human Rights Council, as well as the statement and comments by the Government of Yemen on the report and its willingness to cooperate with the United Nations and Office of the High Commissioner;

2. *Notes with appreciation* the efforts made by the Government of Yemen to implement Human Rights Council resolutions 18/19 and 19/29;

3. *Welcomes and supports* the signing of the host country agreement between the Government of Yemen and the High Commissioner to establish a country office of the High Commissioner in Yemen, to take place in New York on 26 September 2012;

4. *Acknowledges with appreciation* the issuance of Republican Decree No. 140, which establishes a committee to investigate allegations of violations of human rights, and notes that the Decree states that investigations shall be transparent, independent and adhere to international standards, and looks forward to further steps of the Government of Yemen towards the implementation of the Decree, in accordance with Human Rights Council resolution 19/29;

5. *Calls upon* all parties to release persons arbitrarily detained by them and to end any practice of unlawful detention of persons;

6. *Calls upon* the Government of Yemen and armed opposition groups to take immediate measures to end the use and recruitment of children, to demobilize those who have already been recruited and to cooperate with the United Nations and other qualified groups for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[57]

7. *Encourages* the Government of Yemen to continue its efforts to ensure that women are represented at all levels of the political process and that they are able to participate in public life, free of discrimination and intimidation;

8. *Also encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner[58] with the support of her Office, and calls upon the Government to address the recommendations contained in the report of the High Commissioner submitted to the Human Rights Council at its twenty-first session;

9. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect human rights;

10. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

11. *Calls upon* the international community to provide financial support for the Yemen humanitarian response plan of 2012 and the urgent appeals for Abyan, as well as the joint United Nations stabilization plan;

---

[56] A/HRC/21/37.

[57] A/66/782-S/2012/261.

[58] A/HRC/18/21 and A/HRC/19/51.

12. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as needed, to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations;

13. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its twenty-fourth session, a progress report on the situation of human rights in Yemen and on the follow-up to the present resolution and Council resolutions 18/19 and 19/29.

37th meeting
27 September 2012

[Adopted without a vote.]

21/23
The human rights of older persons

The Human Rights Council,

Recalling General Assembly resolution 65/182 of 21 December 2010 on the follow-up to the Second World Assembly on Ageing, in which the Assembly established an open-ended working group for the purpose of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures,

Recognizing that older persons face specific vulnerabilities and challenges in the enjoyment of all human rights, that current international initiatives on the matter have been insufficient and that enhanced measures are needed without delay,

Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002 and relevant General Assembly resolutions,

Taking note with appreciation of the report of the Secretary-General on the follow-up to the Second World Assembly on Ageing[59] and of the report of the United Nations High Commissioner for Human Rights on the human rights of older persons,[60]

Recalling general comment No. 6 of the Committee on Economic, Social and Cultural Rights on the economic, social and cultural rights of older persons, as well as other relevant documents by treaty bodies,

Conscious that older persons represent a large and growing segment of the population and that greater attention is needed to the specific human rights challenges affecting them,

Concerned at the mu..iple forms of discrimination that may affect older persons and at the high incidence of poverty among this particularly vulnerable group, especially older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets and refugees, among other groups,

1. *Recognizes* the challenges related to the enjoyment of all human rights that older persons face in areas such as prevention and protection against violence and abuse,

[59] A/67/188.
[60] E/2012/51.

social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care, and that those challenges require in-depth analysis and action to address protection gaps;

2. *Notes with appreciation* multilateral, regional and subregional initiatives aimed at the promotion and protection of rights of older persons, including discussions on possible normative standards;

3. *Calls upon* all States to ensure the full and equal enjoyment of all human rights and fundamental freedoms for older persons, including by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to social integration and adequate health care, bearing in mind the crucial importance of family intergenerational interdependence, solidarity and reciprocity for social development;

4. *Encourages* all States to conduct their age-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners in the interest of developing effective policies creating national policy ownership and consensus-building;

5. *Calls upon* all States to enhance their existing mechanisms related to the protection and promotion of human rights for older persons, including by adopting, as appropriate, legal or other dedicated mechanisms;

6. *Encourages* all States to raise awareness of the challenges facing the enjoyment of all human rights by older persons, and to ensure that older persons receive information about those rights;

7. *Invites* existing special procedures and encourages treaty bodies, within their existing mandates, to pay attention to the human rights of older persons;

8. *Encourages* all States to consider including in their national reports, to be submitted for the universal periodic review, information on the human rights of older persons;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, in Geneva, an intersessional public consultation on the promotion and protection of the human rights of older persons, with the participation of States Members of the United Nations, relevant international organizations, United Nations agencies and stakeholders, in order to receive information and share good practices on the matter;

10. *Also requests* the Office of the High Commissioner to present a summary report of the above-mentioned consultation to the Human Rights Council at its twenty-fourth session;

11. *Decides* to continue consideration of the question of human rights of older persons at its twenty-fourth session.

38th meeting
28 September 2012

[Adopted without a vote.]

21/24
Human rights and indigenous peoples

For the text of the resolution, see chapter II.

21/25
Situation of human rights in the Republic of Mali

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of the Republic of Mali,

Reaffirming further Human Rights Council resolution 20/17 of 6 July 2012 on the situation of human rights in Mali, in which the Council welcomed the communiqués on the situation in Mali dated 6 April 2012 from the African Union, dated 23 March, 3 April, 12 June and 4 September 2012 from the African Union Peace and Security Council, and dated 6 June 2012 from the Commission of the Economic Community of West African States, not least with regard to their condemnation of the coup d'état of 22 March 2012 and the unilateral declaration of independence,

Welcoming the formation on 20 August 2012 of a Government of national unity,

Concerned at the impact of the activities of organized transnational crime networks on the situation of human rights in Mali and in the other countries of the region,

Deeply concerned at the deterioration in the situation of human rights in the northern part of the Republic of Mali and at the humanitarian situation and its consequences for the countries of the Sahel,

1. *Condemns* the excesses and abuses committed in the Republic of Mali, particularly in the north of the country, by, among others, rebels, terrorist groups and other organized transnational crime networks, and including violence against women and children, killings, hostage-taking, pillaging, theft, the destruction of cultural and religious sites and the recruitment of child soldiers, as well as all other human rights violations;

2. *Notes* the measures taken by the Government of Mali to bring the perpetrators of such acts to justice;

3. *Repeats its call* for an immediate halt to the abuses and all human rights violations and acts of violence, and for strict respect for all human rights and fundamental freedoms;

4. *Calls for* an immediate halt to the destruction of cultural and religious sites;

5. *Continues* to support current efforts by the African Union and the Economic Community of West African States to settle the crisis in the Republic of Mali, and to bring about a definitive return to constitutional order, peace and security in that country;

6. *Emphasizes* the need to pursue humanitarian assistance to the population affected by the crisis, and urges the international community, in conjunction with the Government of Mali and the neighbouring countries concerned, to continue to deliver appropriate humanitarian assistance to refugees and displaced persons and to respond to the challenges posed by the humanitarian crisis in the Sahel;

7. *Renews* its urgent request to the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its twenty-second session, a written report on the situation of human rights in the Republic of Mali, particularly the northern part of the country;

8. *Decides* to remain seized of this matter.

38th meeting
28 September 2012

[Adopted without a vote.]

21/26
Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Recalling General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012 and 66/253B of 3 August 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012 and 20/22 of 6 July 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7523 of 5 September 2012, in which the League expressed its strong condemnation of the continuing violence, murder and heinous crimes committed by the Syrian authorities and its affiliated militias *Shabbiha* against Syrian civilians and the use of heavy weapons, including tanks, artillery and warplanes in its bombardment of populated neighbourhoods and villages, as well as arbitrary executions and enforced disappearances, in flagrant violation of human rights and fundamental freedoms, and called upon the Government of the Syrian Arab Republic to cease immediately and completely all forms of killing and violence against the Syrian people,

Recalling resolution 2/4-EX (IS) of the Organization of Islamic Cooperation of 15 August 2012 on the situation in the Syrian Arab Republic, in which the Organization called for the immediate implementation of the transitional plan and the development of a peaceful mechanism that would allow the building of a new Syrian State based on pluralism and a democratic and civilian system, where there would be equality on the basis of law, citizenship and fundamental freedoms,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

Expressing grave concern at the escalation of violence in the Syrian Arab Republic and at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees,

Expressing its deep concern at the failure to implement the six-point plan of the former joint special envoy Kofi Annan, and welcoming the appointment of Lakhdar Brahimi as the new joint special representative of the United Nations and the League of Arab States on the Syrian crisis,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Human Rights Council and the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting her repeated encouragement to the Security Council to refer the situation to the International Criminal Court,

1. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic,[61] submitted pursuant to Human Rights Council resolution 19/22 and the recommendations contained therein;

2. *Regrets* the non-cooperation of the Government of the Syrian Arab Republic with the commission of inquiry;

3. *Condemns* all violence, irrespective of where it comes from, including terrorist acts;

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government-controlled militia *Shabbiha*, such as the use of heavy weapons and force against civilians, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children, as well as any human rights abuses by armed opposition groups;

5. *Condemns in the strongest terms* the massacre of the village of Al-Houla near Homs, where the forces of the Government of the Syrian Arab Republic and members of the *Shabbiha* were found by the commission of inquiry to be the perpetrators of outrageous and heinous crimes, and stresses the need to hold those responsible to account;

6. *Calls upon* all parties to put an end to all forms of violence;

7. *Also calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

8. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and to allow immediately access of independent monitors to all detention facilities;

9. *Reiterates its call* upon the Syrian authorities to meet its responsibility to protect the Syrian population;

10. *Stresses the need* to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes, and encourages members of the international community to ensure that there is no impunity for such violations or abuses, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses, which may amount to war crimes or crimes against humanity, and notes in this regard the potential relevance of

[61] A/HRC/21/50.

international justice, while underscoring the importance of the recommendation of the commission of inquiry that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims;

11. *Stresses its support* for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

12. *Underlines* the responsibility of all States Members of the Human Rights Council and the international community as a whole to be mindful of the dire situation in the Syrian Arab Republic;

13. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

14. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other donors to provide urgent and more support to Syrian refugees and their host countries;

15. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations as requested in the humanitarian appeal on the Syrian Arab Republic so that they can implement more actively the humanitarian response plan inside the country;

16. *Reiterates its call* upon the Syrian authorities to allow and facilitate immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel;

17. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic at an interactive dialogue during the twenty-second session of the Council;

18. *Requests* the commission of inquiry to continue to update its mapping exercise of gross violations of human rights in the Syrian Arab Republic since March 2011, including the assessment of casualty figures, and to publish it periodically;

19. *Condemns in the strongest terms* the increasing number of massacres taking place in the Syrian Arab Republic, and requests the commission of inquiry to investigate all massacres;

20. *Requests* the Secretary-General to provide additional resources, including staffing, to the commission of inquiry in order to allow it to fulfil completely its mandate in the light of the increasingly deteriorating situation of human rights in the Syrian Arab Republic;

21. *Reiterates its call* upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

22. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action;

23. *Also decides* to remain seized of the matter.

38th meeting
28 September 2012

[Adopted by a recorded vote of 41 to 3, with 3 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

India, Philippines, Uganda]

21/27
Technical assistance for the Sudan in the field of human rights

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments,

Reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Recognizing the developments taking place in the Sudan, and the record of the Government of the Sudan in the promotion and protection of human rights,

Noting with concern the human rights abuses and violations by all parties, in particular in the States of Darfur, South Kordofan and Blue Nile,

Recalling Human Rights Council resolution 18/16 of 29 September 2011,

1. *Takes note* of the report of the Independent Expert on the situation of human rights in the Sudan;[62]

2. *Expresses its appreciation* to the Independent Expert for his work and his recommendations;

3. *Notes* that the Independent Expert commended the cooperation extended by the Government of the Sudan to him during his most recent visit to the country;

[62] A/HRC/21/62.

4. *Welcomes* the commitment made by the Government of the Sudan to resolve outstanding issues with the Government of South Sudan;

5. *Also welcomes* the Memorandum of Understanding signed by the Government of the Sudan and the United Nations, the League of Arab States and the African Union for the assessment and delivery of humanitarian assistance to war-affected civilians in the States of South Kordofan and Blue Nile;

6. *Strongly affirms* the need for the positive commitment of all stakeholders to the effective implementation of the Doha Document for Peace in Darfur, particularly the chapters on human rights and fundamental freedoms, and on justice and reconciliation, and urges non-signatory groups to join it without delay;

7. *Welcomes* the continued work of the Sudanese Advisory Council on Human Rights aimed at the promotion and protection of human rights in the country;

8. *Also welcomes* the establishment of the National Human Rights Commission as an independent mechanism for the promotion and protection of human rights in the Sudan, and urges the Government of the Sudan to provide it with the necessary resources;

9. *Further welcomes* the submission by the Government of the Sudan of its first report for the universal periodic review,[63] acknowledges the steps taken by the Government to implement the recommendations accepted as highlighted by the Independent Expert in his report, and notes the need to specify time frames for implementation strategies;

10. *Urges* the Government of the Sudan to rebuild a lasting climate of confidence and trust with civil society organizations and the international community, and to ensure the promotion and protection of human rights in the country;

11. *Urges* Member States, relevant United Nations agencies and other stakeholders to support the national efforts of the Government of the Sudan, in accordance with Human Rights Council resolution 18/16, with a view to further improving the situation of human rights in the country, and to respond to its requests for technical assistance;

12. *Notes with concern* the humanitarian situation in the States of South Kordofan and Blue Nile, and calls upon all parties to make every effort to immediately end violence and to halt clashes, to facilitate access for humanitarian assistance and to take action to strengthen respect for the rule of law in the two provinces, and to respect all human rights and fundamental freedoms;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Sudan with the necessary technical support and training;

14. *Urges* the Government of the Sudan to continue its cooperation with the Independent Expert, including by giving him access to the entire country, in particular in the States of Darfur, South Kordofan and Blue Nile, in order to assess and verify the situation of human rights, to determine technical assistance needs and to report on his findings;

15. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in the Sudan under agenda item 10 for a period of one year, requests the Independent Expert to continue his engagement with the Government of the Sudan with a view to implementing the projects that will further help the Sudan to fulfil its human rights

[63] A/HRC/WG.6/11/SDN/1 and Corr.1.

obligations, and to submit a report to the Human Rights Council for consideration at its twenty-fourth session;

16. *Requests* the Independent Expert to assist the Government in its strategy to implement the remaining universal periodic review accepted recommendations;

17. *Decides* to continue its consideration of this issue in accordance with its programme of work under agenda item 10.

38th meeting
28 September 2012

[Adopted without a vote.]

21/28
Technical assistance and capacity-building for South Sudan in the field of human rights

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Welcoming the commitments made by the Government of South Sudan to strengthen national mechanisms of promotion and protection of human rights, and calling on the Government to implement those commitments,

Recognizing the challenges of institution- and State-building facing South Sudan, including the protection of civilians, the administration of justice and the rule of law, the protection of the rights of women and the enjoyment of social and economic rights, and commending the steps being taken to address those challenges,

Welcoming the establishment of the South Sudan Human Rights Commission, and calling upon both the international community and the Government of South Sudan to support the South Sudan Human Rights Commission, through technical assistance and capacity-building programmes, with a view to ensuring its independence and enabling it to contribute to the promotion and protection of the human rights of the South Sudanese people, in accordance with the Paris Principles,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building for South Sudan in the field of human rights;[64]

2. *Calls upon* the Government of South Sudan to strengthen ongoing cooperation with the United Nations Mission in South Sudan on issues pertaining to the promotion and protection of human rights;

3. *Encourages* the Government of South Sudan to ratify the main international and regional human rights instruments;

[64] A/HRC/21/34.

4. *Encourages* the continuous commitment of the Government of South Sudan to resolve all outstanding issues with regard to the provisions of the Comprehensive Peace Agreement of 2005 with the Government of the Sudan;

5. *Requests* Member States, relevant United Nations agencies and stakeholders to support, as a matter of urgency, the national efforts of the Government of South Sudan, in accordance with Human Rights Council resolution 18/17 of 29 September 2011 on technical assistance and capacity-building;

6. *Requests* the Office of the High Commissioner to provide South Sudan with the necessary technical support and training;

7. *Also requests* the Office of the High Commissioner to submit a written report on the progress of technical assistance and capacity-building in the field of human rights for South Sudan to the Human Rights Council at its twenty-third session.

38th meeting
28 September 2012

[Adopted without a vote.]

21/29
Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,

Recalling also Human Rights Council resolution 15/26 of 1 October 2010, in which the Council established the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

Welcoming the convening of the first and second sessions of the open-ended intergovernmental working group, held from 23 to 27 May 2011 and 13 to 17 August 2012, respectively, pursuant to Human Rights Council resolution 15/26,

1. *Requests* the Chairperson-Rapporteur of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies to present to the Human Rights Council, at its twenty-second session, the report of the working group;

2. *Decides* to consider the conclusions and recommendations of the open-ended intergovernmental working group at its twenty-second session.

39th meeting
28 September 2012

[Adopted without a vote.]

21/30
Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Council,

Recalling its decision 3/103 of 8 December 2006 on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and the establishment of the Ad Hoc Committee for this purpose,

Welcoming the progress achieved and noting the views expressed during the fourth session of the Ad Hoc Committee,

Recalling the need for adequate protection for victims of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels, as well as appropriate remedies while combating all forms of impunity in this regard,

Underlining the imperative need for the Ad Hoc Committee to elaborate complementary standards to the International Convention in accordance with paragraph 199 of the Durban Programme of Action,

1. *Decides* that the Ad Hoc Committee shall convene its fifth session from 8 to19 April 2013;

2. *Takes note* of the report of the Ad Hoc Committee on its fourth session;[65]

3. *Invites* the Chairperson-Rapporteur of the Ad Hoc Committee to hold informal consultations, from within existing resources, with regional and political coordinators during the intersessional period between the fourth and fifth sessions of the Ad Hoc Committee, with the aim of preparing the fifth session and collecting concrete proposals for discussion on the topics of xenophobia, establishment, designation or maintaining of national mechanisms with competencies to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, and procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with its mandate;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to send out a questionnaire, from within existing resources, to gather information regarding the three topics discussed during the fourth session of the Ad Hoc Committee and in its report (xenophobia, national mechanisms and procedural gaps), including legal and judicial frameworks and practices, substantive and procedural measures in line with the mandate of the Ad Hoc Committee, and possible recommendations;

5. *Invites* the Office of the High Commissioner to post the responses to the questionnaire on its website and, in consultation with the Chairperson-Rapporteur, to prepare a summary of responses to the questionnaire received during the intersessional period for discussion by the Ad Hoc Committee at its fifth session;

6. *Recommends* that the Ad Hoc Committee, at its fifth session, discuss new topic(s) as contained in its report on its third session[66] or additional topic(s) submitted during the intersessional period;

---

[65] A/HRC/21/59.
[66] A/HRC/18/36.

7. *Decides* to remain seized of this priority issue.

39th meeting
28 September 2012

[Adopted without a vote.]

21/31
Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006,

Reaffirming all previous resolutions of the Human Rights Council on Somalia, in particular resolutions 7/35 of 28 March 2008, 10/32 of 27 March 2009, 12/26 of 2 October 2009, 15/28 of 1 October 2010, 17/25 of 17 June 2011, 19/28 of 23 March 2012 and 20/21 of 6 July 2012,

Reaffirming also its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Welcoming the report of the Secretary-General on Somalia,[67]

Welcoming also the end of the transition as envisaged by the road map endorsed at the high-level consultative meeting, held on 6 September 2011, in Mogadishu, and the consequent Garoowe I and II and Galkayo principals, including the crucial role played by the outgoing Prime Minister Abdiweli Mohamed Ali and his "national salvation Government", and by all the signatories of the road map, which marks a milestone in the path of Somalia towards a more stable system of governance, with a special focus on the promotion and protection of human rights,

Welcoming further the increased representation of women in Parliament, commending the Somali authorities and underlining the need to continue to increase their representation and their role in decision-making with regard to conflict prevention and resolution,

Welcoming the historic political development inside the country that, after forty-five years, culminated in the election of Hassan Sheikh Mohamud on 10 September 2012 as the new President of Somalia, thus marking the end of a twelve-year transition process,

Acknowledging the commitment and efforts made by the African Union and those States contributing to its mission to achieve security in Somalia, and supporting the efforts of the Intergovernmental Authority on Development to reconcile parts of central and south Somalia, and those of the international community and regional stakeholders to help Somalia to re-establish stability, peace and security on its national territory, as well as the rule of law,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia and his report submitted to the Human Rights Council,[68]

[67] S/2012/643.
[68] A/HRC/21/61.

Recalling the signing, on 11 May 2012, of the Memorandum of Understanding on technical assistance to the Transitional Federal Government in the field of human rights by the Office of the United Nations High Commissioner for Human Rights and the United Nations Political Office for Somalia, and encouraging the Government of the Federal Republic of Somalia to continue its efforts to implement the accepted recommendations included in the outcome of the country's first universal periodic review, and encourages the United Nations system, regional bodies and all States to support the Government in these efforts, including through bilateral assistance,

Strongly concerned about the continuing violations and abuses perpetrated against children, including sexual violence, in particular in areas of conflict or transition in Somalia, by State and non-State actors, including the recruitment and use of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict, while welcoming the signing of a plan of action on 3 July 2012 to end the recruitment and use of children by the Somalia National Armed Forces, and of the plan of action of 6 August 2012 on ending the killing and maiming of children in armed conflict,

Expressing grave concern at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizing the need for accountability for all such abuses and violations,

Reiterating the importance of taking measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia,

1. *Strongly condemns* the grave and systematic human rights abuses and violations perpetrated against the civilian population, including women, children, journalists and human rights defenders, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

2. *Also strongly condemns* all attacks against civilians, including the heinous terrorist attack targeting the new President, Hassan Sheikh Mohamud, and the visiting Minister for Foreign Affairs of Kenya, Sam Ongeri, and his delegation on 12 September 2012, for which responsibility was claimed by Al-Shabaab;

3. *Further strongly condemns* all attacks on journalists, including the deadly terror attack on 20 September and the assassination on 21 September 2012 of a prominent journalist in Mogadishu, calls upon the Government of the Federal Republic of Somalia to protect the safety of the journalist, calls on all States to provide necessary technical assistance to the Government, subnational authorities, the national union of Somali journalists and individual journalist in this regard, and urges State and non-State actors to refrain from intentional violence against and harassment of journalists and to respect freedom of expression;

4. *Emphasizes the need* to hold perpetrators of human rights violations and abuses accountable and to bring them to justice;

5. *Urges* the Government of the Federal Republic of Somalia to allow and facilitate rapid and unhindered humanitarian access to the population in need throughout the country, calls on the African Union and all States to support this essential effort, and strongly encourages the Government and the African Union to increase awareness and training among the troops of the African Union Mission in Somalia and Somali security forces at the national and subnational levels on human rights and on international humanitarian law, including the protection of civilians, with the support of the international community, while noting that humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account;

6. *Condemns* the abuses and violations committed against children, urges the Government of the Federal Republic of Somalia to take immediate steps to protect them, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of the children and to refrain from hindering the essential efforts of the Government in this regard, and calls on the Government, relevant United Nations entities and others to strengthen child protection efforts, including by setting up the structures and committees agreed upon in the plan of action and ensuring that child protection efforts receive adequate support, including resources from Member States;

7. *Calls on* the Government of the Federal Republic of Somalia to take immediate steps to protect women, and to end abuses and violations of their human rights, in particular sexual violence, emphasizes the need for accountability for all such abuses and violations, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of women, including forced and underage marriage, and calls on all States to support these essential efforts;

8. *Urges* the Government of the Federal Republic of Somalia and subnational authorities to seek the tangible and timely assistance from, inter alia, regional bodies to reform the Somali judiciary system, to select and enhance the capacity of the Somali judges inside the country, with a particular focus on the promotion and protection of human rights and, in this regard, calls upon all States to provide assistance;

9. *Requests* the Independent Expert on the situation of human rights in Somalia, in close cooperation with the Government of the Federal Republic of Somalia, subnational authorities and the Special Representative of the Secretary-General for Somalia and the United Nations Political Office for Somalia to provide advisory services to the new Government and Parliament for the establishment of a national human rights commission, in compliance with the Paris Principles, as well as for a truth and reconciliation commission, as provided for by the provisions of articles 111 B and 111 I of the new provisional Constitution of the Federal Republic of Somalia, and calls upon Member States to support this crucial task;

10. *Encourages* the Government of the Federal Republic of Somalia to develop, with the assistance of the Independent Expert, a human rights post-transition road map with benchmarks and timelines to promote and protect all human rights, including, inter alia, the right to water and sanitation, the right to health care and the right to education and other basic needs of vulnerable people, such as internally displaced persons, women, returnees, children, minorities and journalists;

11. *Emphasizes* the need to enhance and rationalize international assistance to Somalia, and encourages the Independent Expert to identify and make recommendations on technical assistance needs, while underlining the full Somali ownership of the process;

12. *Invites* the special procedures system and thematic mandate holders to engage fully and coordinate with the Independent Expert on the situation of human rights in Somalia;

13. *Decides* to remain actively seized of the matter.

39th meeting
28 September 2012

[Adopted without a vote.]

21/32
The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development, the most recent being Council resolution 19/34 of 23 March 2012,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,[69]

Emphasizing the urgent need to make the right to development a reality for everyone,

Cognizant of the importance of engaging the United Nations system, including United Nations funds, programmes and specialized agencies, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, in discussions on the right to development,

Recognizing that achieving the internationally agreed development goals, including the Millennium Development Goals, requires effective policy coherence and coordination,

Taking note of the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all and, in this regard, encouraging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, as well as into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recalling that 2011 marked the twenty-fifth anniversary of the Declaration on the Right to Development,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[70] which

[69] General Assembly resolution 65/1.

[70] A/HRC/21/28.

provided information on the activities undertaken by the Office of the High Commissioner relating to the promotion and realization of the right to development in the period from December 2011 to June 2012;

2. *Requests* the Office of the High Commissioner to continue to submit to the Human Rights Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development;

3. *Takes note* of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, in fulfilment of the Working Group's mandate as established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998;

4. *Welcomes* the launching in the Working Group of the process of considering, revising and refining the draft right to development criteria and corresponding operational subcriteria,[71] with the first reading of the draft criteria;

5. *Takes note with appreciation* of the report of the Working Group on its thirteenth session;[72]

6. *Recalls* that the Working Group, at its thirteenth session, had before it two documents containing detailed views and comments on the draft criteria and operational subcriteria,[73] submitted by Governments, groups of Governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums, in fulfilment of the conclusions and recommendations agreed at its twelfth session;

7. *Acknowledges* the need to have the contributions of experts and, in this context, re-emphasizes the importance of engaging further and inviting to the fourteenth session of the Working Group experts from relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, international organizations and other relevant stakeholders;

8. *Also acknowledges* the need to further consider, revise and refine the draft criteria and corresponding operational subcriteria mentioned in paragraph 4 above, as mandated by the Human Rights Council in its resolution 19/34;

9. Decides:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) That the criteria and corresponding operational subcriteria mentioned in paragraph 4 above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

---

[71] See A/HRC/15/WG.2/TF/2/Add.2.
[72] A/HRC/21/19.
[73] A/HRC/WG.2/13/CRP.1 and 2.

(c) That the Working Group shall take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

(d) To endorse the recommendations of the Working Group as reflected in its report on its thirteenth session;[74]

(e) To convene a two-day informal intersessional intergovernmental meeting of the Working Group with the participation of States, groups of States and relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, and international organizations and other relevant stakeholders, with a view to improve the effectiveness of the Working Group at its fourteenth session;

(f) To consider the extension of the meeting time of the Working Group, as appropriate;

10. *Encourages* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

11. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to contribute further to the work of the Working Group and to cooperate with the High Commissioner in the fulfilment of her mandate with regard to the implementation of the right to development;

12. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
28 September 2012

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America]

[74] A/HRC/21/19, para. 47.

21/33
From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

For the text of the resolution, see chapter II.

IV. Decisions

21/101
Outcome of the universal periodic review: Bahrain

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bahrain on 21 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bahrain which is constituted of the report of the Working Group on Bahrain (A/HRC/21/6), together with the views of Bahrain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/6/Add.1/Rev.1 and A/HRC/21/2, chapter VI).

19th meeting
19 September 2012

[Adopted without a vote.]

21/102
Outcome of the universal periodic review: Ecuador

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Ecuador on 21 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Ecuador which is constituted of the report of the Working Group on Ecuador (A/HRC/21/4), together with the views of Ecuador concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/2, chapter VI).

19th meeting
19 September 2012

[Adopted without a vote.]

21/103
Outcome of the universal periodic review: Tunisia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Tunisia on 22 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Tunisia which is constituted of the report of the Working Group on Tunisia (A/HRC/21/5), together with the views of Tunisia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/5/Add.1 and A/HRC/21/2, chapter VI).

19th meeting
19 September 2012

[Adopted without a vote.]

21/104
Outcome of the universal periodic review: Morocco

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Morocco on 22 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Morocco which is constituted of the report of the Working Group on Morocco (A/HRC/21/3), together with the views of Morocco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/2, chapter VI).

21st meeting
19 September 2012

[Adopted without a vote.]

21/105
Outcome of the universal periodic review: Indonesia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Indonesia on 23 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Indonesia which is constituted of the report of the Working Group on Indonesia (A/HRC/21/7), together with the views of Indonesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/7/Add.1 and A/HRC/21/2, chapter VI).

21st meeting
19 September 2012

[Adopted without a vote.]

18/106
Outcome of the universal periodic review: Finland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Finland on 23 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Finland which is constituted of the report of the Working Group on Finland (A/HRC/21/8), together with the views of Finland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/8/Add.1 and A/HRC/21/2, chapter VI).

21st meeting
19 September 2012

[Adopted without a vote.]

21/107
Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the United Kingdom of Great Britain and Northern Ireland on 24 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the United Kingdom of Great Britain and Northern Ireland which is constituted of the report of the Working Group on the United Kingdom of Great Britain and Northern Ireland (A/HRC/21/9 and Corr.1), together with the views of the United Kingdom of Great Britain and Northern Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/9/Add.1 and A/HRC/21/2, chapter VI).

22nd meeting
20 September 2012

[Adopted without a vote.]

21/108
Outcome of the universal periodic review: India

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of India on 24 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on India which is constituted of the report of the Working Group on India (A/HRC/21/10), together with the views of India concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/10/Add.1 and A/HRC/21/2, chapter VI).

22nd meeting
20 September 2012

[Adopted without a vote.]

21/109
Outcome of the universal periodic review: Brazil

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Brazil on 25 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Brazil which is constituted of the report of the Working Group on Brazil (A/HRC/21/11), together with the views of Brazil concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to

questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/11/Add.1 and A/HRC/21/2, chapter VI).

22nd meeting
20 September 2012

[Adopted without a vote.]

21/110
Outcome of the universal periodic review: Philippines

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Philippines on 29 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Philippines which is constituted of the report of the Working Group on the Philippines (A/HRC/21/12 and Corr.1-2), together with the views of the Philippines concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/12/Add.1 and A/HRC/21/2, chapter VI).

24th meeting
20 September 2012

[Adopted without a vote.]

21/111
Outcome of the universal periodic review: Algeria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Algeria on 29 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Algeria which is constituted of the report of the Working Group on Algeria (A/HRC/21/13), together with the views of Algeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/13/Add.1 and A/HRC/21/2, chapter VI).

24th meeting
20 September 2012

[Adopted without a vote.]

21/112
Outcome of the universal periodic review: Poland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Poland on 30 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Poland which is constituted of the report of the Working Group on Poland (A/HRC/21/14), together with the views of Poland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/14/Add.1 and A/HRC/21/2, chapter VI).

24th meeting
20 September 2012

[Adopted without a vote.]

21/113
Outcome of the universal periodic review: Netherlands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Netherlands on 31 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Netherlands which is constituted of the report of the Working Group on the Netherlands (A/HRC/21/15), together with the views of the Netherlands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/15/Add.1/Rev.1 and A/HRC/21/2, chapter VI).

25th meeting
21 September 2012

[Adopted without a vote.]

21/114
Outcome of the universal periodic review: South Africa

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of South Africa on 31 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on South Africa which is constituted of the report of the Working Group on South Africa (A/HRC/21/16), together with the views of South Africa concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/16/Add.1 and A/HRC/21/2, chapter VI).

25th meeting
21 September 2012

[Adopted without a vote.]